



Journal of the Senate

State of Indiana

121st General Assembly

Second Regular Session

Thirtieth Meeting Day

Tuesday Afternoon

March 10, 2020

The Senate convened at 1:51 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Pastor Brandon Adkisson from Pleasant Heights Baptist Church in Indianapolis.

The Pledge of Allegiance to the Flag was led by Senator R. Michael Young.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Koch
Bassler	Kruse
Becker	Lanane
Bohacek	Leising
Boots	Melton
Bray	Merritt
Breaux	Messmer
Brown, L.	Mishler
Buchanan	Mrvan
Buck	Niemeyer
Busch	Niezgodski
Charbonneau	Perfect
Crane	Raatz
Crider	Randolph, Lonnie M.
Donato	Rogers
Doriot	Ruckelshaus
Ford, J.D.	Sandlin
Ford, Jon	Spartz
Freeman	Stoops
Garten	Tallian
Gaskill	Taylor, G.
Glick	Tomes
Grooms	Walker
Holdman	M. Young
Houchin	Zay

Roll Call 348: present 50; excused 0. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 395 and that said Motion be withdrawn.

BASSLER

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(l) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 10, 190, 237, and 258 and Engrossed House Bill 1070 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

BRAY, Chair

Report adopted.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on March 9, 2020, to render an advisory opinion with regard to Senator Freeman's request that the Committee consider whether or not he has a conflict of interest pertaining to SB 148 which would require him to be excused from voting on this bill at any stage of the legislative process. The members in attendance were: Chairman L. Brown, Senator Charbonneau, Senator Walker, Senator Breaux, Senator Mrvan, and Senator Lonnie M. Randolph.

The Senate Committee on Ethics has considered the facts presented by Senator Freeman and the Committee found no conflict that could require Senator Freeman to be excused from participating in discussion and voting on SB 148. The vote of the Committee was 6-0.

L. BROWN, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

- HCR 50 Senator Bassler
Congratulating the Linton-Stockton High School girls basketball team for its Class 2A IHSAA championship win.
- HCR 51 Senator Grooms
Honoring the 250th anniversary of William Clark's birth.
- SR 70 Senator M. Young
Recognizing Steve Hale.

BRAY

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 50

House Concurrent Resolution 50, sponsored by Senator Bassler:

A CONCURRENT RESOLUTION congratulating the Linton-Stockton High School girls basketball team for its Class 2A IHSAA championship win.

Whereas, The Linton-Stockton High School girls basketball team won the Class 2A IHSAA championship at Bankers Life Fieldhouse on Saturday, February 29, 2020;

Whereas, The Linton-Stockton Miners defeated the Frankton Eagles, 70-28;

Whereas, The Miners set a 2A state finals record for points in a quarter after scoring 27 points in the second quarter;

Whereas, The Miners set a 2A state finals record for points in a half with 47 in the first half;

Whereas, The margin of victory was the highest ever in a state finals for any class;

Whereas, Coach Jared Rehmel led the team in its 25-5 record; and

Whereas, The Miners defeated the previously undefeated #1 ranked Triton Central 48-43 in the semifinals to reach the championship game: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Linton-Stockton High School girls basketball team on its IHSAA Class 2A championship win and record breaking season.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Jeff Ellington for distribution.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 51

House Concurrent Resolution 51, sponsored by Senators Grooms and Stoops:

A CONCURRENT RESOLUTION honoring the 250th anniversary of William Clark's birth.

Whereas, William Clark was born to John and Ann Rogers Clark on August 1, 1770, in Caroline County, Virginia;

Whereas, William Clark lived with his older brother, General George Rogers Clark, in Clarksville, Indiana Territory, at the Falls of the Ohio, where he joined Captain Meriwether Lewis as co-commander of the Corps of Discovery and trained initial recruits for the expedition to explore the Louisiana Territory;

Whereas, The Corps of Discovery continued down the Ohio River to the Mississippi River, continued westward along the Missouri River, crossed the Rocky Mountains, and then paddled dugout canoes on the Clearwater, Snake, and Columbia rivers to the Pacific Ocean, exploring parts of the present states of Indiana, Kentucky, Illinois, Missouri, Kansas, Nebraska, Iowa, South Dakota, North Dakota, Montana, Idaho, Washington, and Oregon;

Whereas, William Clark was respected by the soldiers of the Corps of Discovery and the Native Americans they encountered on the expedition, kept a detailed journal of the expedition's discoveries and observations of the land's geography and wildlife, and drew an exceptionally accurate map of the expedition's route;

Whereas, William Clark enjoyed a long and distinguished post-expedition career as superintendent of Indian Affairs and territorial governor of Missouri, and Clark family connections remain prominent in Missouri;

Whereas, The Indiana Lewis and Clark Expedition Commission and the Lewis and Clark Trail Heritage Foundation played leading roles in preserving the story of the Corps of Discovery and publicizing Indiana's role in the expedition; and

Whereas, Indiana is now on the Lewis and Clark National Historic Trail as a result of the Eastern Extension to the Trail signed into law by President Donald Trump on March 12, 2019: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly hereby commemorates William Clark's accomplishments and role as co-captain of the Lewis and Clark Expedition on the occasion of his 250th birthday.

SECTION 2. That the Indiana General Assembly recognizes the Falls of the Ohio, including the state of Indiana, as the starting point of the Lewis and Clark Expedition where Lewis and Clark recruited and trained the first members of the Corps of Discovery and departed from Clarksville, Indiana.

SECTION 3. That the General Assembly commends the Indiana Lewis and Clark Expedition Commission and the Lewis and Clark Trail Heritage Foundation for their ongoing efforts to commemorate the expedition and to educate people about this important part of our nation's history.

SECTION 4. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Indiana Lewis and Clark Expedition Commission and the Lewis and Clark Trail Heritage Foundation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 70

Senate Resolution 70, introduced by Senator M. Young:

A SENATE RESOLUTION recognizing Steve Hale.

Whereas, Steve Hale has provided the General Assembly with electrical services for many years;

Whereas, Steve began his work with the legislative branch as a contractor with Ermco Electric;

Whereas, Since 2005, Steve has served as the General Assembly's sole electrical services provider through his company, Superior Electric, LLC; and

Whereas, After decades of services to the General Assembly, Steve Hale is retiring in December 2020: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate recognizes Steve Hale upon his retirement and thanks him for his many years of service to the Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Steve Hale.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 9th day of March, 2020, signed Senate Enrolled Acts: 61, 139, 180, 181, 187, 197, 238, 255, 288, 307, and 366, and House Enrolled Acts 1009, 1081, 1095, 1104, 1112, 1129, 1143, 1166, 1189, 1224, 1288, 1334, 1370, and 1403.

SUZANNE CROUCH
Lieutenant Governor

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on Monday, March 9, 2020, signed Senate Enrolled Acts: 19, 20, 21, 25, 39, 50, 78, 100, 109, 146, 177, 194, 206, 209, 230, 239, 254, 257, 267, 272, 273, 331, 343, 365, 405, 406, 409, 410, 424, 427, and 430 and House Enrolled Acts 1002, 1015, 1032, 1043, 1047, 1052, 1067, 1080, 1082, 1090, 1091, 1093, 1094, 1151, 1173, 1174, 1199, 1210, 1218, 1243, and 1346.

RODRIC D. BRAY
President Pro Tempore

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 1:

Conferees: Charbonneau, Chair and Stoops
Advisors: Ruckelshaus and Lonnie M. Randolph

BRAY
Date: 3/9/20
Time: 2:06 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 334:

Conferees: Walker, Chair and Breaux
Advisors: Grooms, Jon Ford, and J.D. Ford

BRAY
Date: 3/9/20
Time: 2:12 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 395:

Conferees: Bassler, Chair and Breaux
Advisors: Ruckelshaus and J.D. Ford

BRAY
Date: 3/9/20
Time: 2:11 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 408:

Conferees: Holdman, Chair and Melton
Advisors: Mishler and G. Taylor

BRAY
Date: 3/9/20
Time: 2:14 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 178:
Conferees: Messmer, Chair and Lonnie M. Randolph
Advisors: Jon Ford and Breaux

BRAY
Date: 3/9/20
Time: 4:51 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 299:
Conferees: Senator Kruse to replace Senator Breaux

BRAY
Date: 3/9/20
Time: 4:53 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF CONFEE assignments**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1414:
Remove: Senator Koch as advisor
Conferees: Senator Koch to replace Senator J.D. Ford

BRAY
Date: 3/10/20
Time: 9:18 a.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bills 1077 and 1165.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed Senate Bills 132, 246, and 258.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 50 and 51 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 184:

Conferees: Manning and Wright
Advisors: Prescott, Carbaugh, Barrett, Austin, Bauer, and Campbell

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 408:

Conferees: T. Brown and Porter
Advisors: Cherry, Negele, Ziemke, DeLaney, Hamilton, Klinker, and Pryor

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 395:

Conferees: Burton and Hamilton
Advisors: Heaton, Lehman, VanNatter, Chyung, and Shackelford

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 334:

Conferees: Wesco and Moseley
Advisors: Lucas, Torr, Boy, and Pfaff

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following

Representatives as a conference committee to confer on Engrossed Senate Bill 47:

Conferees: J. Young and Pierce

Advisors: McNamara, May, Beck, and Hatcher

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 1:

Conferees: Kirchhofer and Shackelford

Advisors: Bacon, Davisson, Zent, Fleming, and Hatfield

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed Senate Bills 10 and 190.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed House Bill 1070.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Pfaff as an advisor on Engrossed Senate Bill 334.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Moseley as a conferee on Engrossed Senate Bill 334 and now appoints Representative Pfaff as a conferee thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Morrison as an advisor on Engrossed House Bill 1414.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Pierce as a conferee on Engrossed House Bill 1414 and now appoints Representative Morrison as a conferee thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Boy as advisor on Engrossed House Bill 1222.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Moseley as a conferee on Engrossed House Bill 1222 and now appoints Representative Boy as a conferee thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bills 1265, 1309, and 1353.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Torr as an advisor on Engrossed House Bill 1022.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Porter as a conferee on Engrossed House Bill 1022 and now appoints Representative Torr as a conferee thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Bacon as an advisor on Engrossed Senate Bill 299.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Errington as a conferee on Engrossed Senate Bill 299 and now appoints Representative Bacon as a conferee thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Resolution 57

Senator Buck called up Senate Resolution 57 for second reading. The resolution was read a second time and adopted by standing vote.

MOTIONS TO CONCUR
IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 179.

WALKER

Roll Call 349: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 383.

G. TAYLOR

Roll Call 350: yeas 45, nays 5. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 10-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 10 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-3.5-5-6, AS AMENDED BY P.L.35-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) A participant who terminates service as a member of the general assembly is entitled to withdraw both the participant's employee contribution account and employer contribution account from the defined contribution fund. The withdrawal shall be made not later than the required beginning date under the Internal Revenue Code. The amount available for the withdrawal shall be the fair market value of the participant's accounts on the last day of the quarter preceding the date of withdrawal plus employee contributions

deducted and employer contributions made since the last day of the quarter preceding the date of withdrawal.

(b) The withdrawal amount shall be paid in a lump sum, a partial lump sum, a monthly annuity as purchased by the board with the remaining amount, or a series of monthly installment payments over sixty (60), one hundred twenty (120), or one hundred eighty (180) months, as elected by the participant. The forms of annuity and installments shall be established by the board by rule, in consultation with the system's actuary. The board shall give participants information on these forms of payments and the effects of various dates of withdrawal.

(c) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who is at least fifty-nine and one-half (59 1/2) years of age may withdraw all or part of the amount in the member's account without separating from a covered position.

SECTION 2. IC 5-10.2-3-6.5, AS AMENDED BY P.L.27-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6.5. (a) After ~~June 30, 2018~~, **December 31, 2020**, a member who meets all of the following requirements may elect to withdraw all or part of the amount in the member's annuity savings account:

(1) The member has terminated employment with the applicable fund and is not currently employed in a covered position for the applicable fund.

~~(2) The member has not performed any service in a position covered by the applicable fund or for the same employer for at least thirty (30) days after the date the member terminates employment.~~

~~(3)~~ **(2)** The member makes the election described in this subsection:

(A) after December 31, 2008, if the member is a member of the public employees' retirement fund; or

(B) after June 30, 2009, if the member is a member of the Indiana state teachers' retirement fund.

~~(4)~~ **(3)** Except as provided in subsection (b), the member is not eligible for:

(A) before July 1, 2011, a reduced or unreduced retirement; or

(B) after June 30, 2011, an unreduced retirement; under IC 5-10.2-4 on the date the fund receives notice of the election described in this subsection.

~~(b)~~ The requirement described in subsection ~~(a)(4)~~ **(a)(3)** does not apply to a member of the public employees' retirement fund who:

(1) was eligible for a reduced or unreduced retirement; and

(2) received a distribution under this section; after December 31, 2008, and before June 30, 2010.

(c) A member who elects to withdraw all or part of the amount in the member's annuity savings account under subsection (a) shall provide notice of the election on a form provided by the board.

(d) The election to withdraw all or part of the amount in the member's annuity savings account is irrevocable.

(e) The board shall pay an amount withdrawn from the member's annuity savings account under this section as a lump sum.

(f) Except as provided in subsection (g), a member who makes a withdrawal under this section is entitled to receive, when the member becomes eligible to receive and applies for a retirement benefit under IC 5-10.2-4, a retirement benefit equal to the pension provided by employer contributions computed under IC 5-10.2-4.

(g) A member who:

- (1) transfers creditable service earned under the fund to another governmental retirement plan under section 1(i) of this chapter; and
- (2) withdraws the member's annuity savings account under this section to purchase the service;

may not use the transferred service in the computation of a retirement benefit payable under subsection (f).

(h) After June 30, 2019, a member's withdrawal of all or part of the member's annuity savings account under:

- (1) this section; or
- (2) rules adopted by the board with respect to the Pension Protection Act of 2006;

has no effect on the member's service credit or pension.

(i) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who:

- (1) becomes age and service eligible for normal retirement; and**
- (2) is at least fifty-nine and one-half (59 1/2) years of age;**

may withdraw all or part of the amount in the member's annuity savings account without consequence to the member's pension benefit under the fund and without separating from a covered position.

SECTION 3. IC 5-10.2-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 9. (a) This section applies if the following conditions are met. A member dies:

- (1) after July 1, 1991; and
- (2) while receiving or while eligible to receive retirement benefits under IC 5-10.2-4-1 from the fund.

(b) As used in this section, "minimum amount" means the entire amount credited to the member's annuity savings account at the time of:

- (1) retirement; or
- (2) death while entitled to retirement benefits;

minus all benefits paid to the member and the member's survivors.

(c) If the member dies without a survivor entitled to benefits and the member has not received payments equal to or more than the minimum amount, the difference shall be paid in a lump sum to the member's designated beneficiary or beneficiaries in equal shares. If the member dies without a surviving designated beneficiary, the difference shall be paid in a lump sum to the member's estate.

(d) If the member dies with a survivor entitled to benefits, no payment under this section shall be calculated until after all survivors die. If, at the time of death of the last survivor, the member and all survivors have not received payments equal to or more than the minimum amount, the difference shall be paid in a lump sum to the survivor's estate.

(e) The minimum benefit provided in this section shall not apply to an election under IC 5-10.2-4-7(g).

SECTION 4. IC 5-10.2-4-7, AS AMENDED BY P.L.40-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 7. (a) Benefits provided under this section are subject to IC 5-10.2-2-1.5.

(b) A member who retires is entitled to receive monthly retirement benefits, which are guaranteed for five (5) years or until the member's death, whichever is later. A member may select in writing any of the following nonconflicting options for the payment of the member's retirement benefits instead of the five (5) year guaranteed retirement benefit payments. The amount of the optional payments shall be determined under rules of the board and shall be the actuarial equivalent of the benefit payable under sections 4, 5, and 6 of this chapter. A member who has elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5 may not select the cash refund annuity option.

(1) Joint and Survivor Option.

(A) The member receives a decreased retirement benefit during the member's lifetime, and there is a benefit payable after the member's death to a designated beneficiary during the lifetime of the beneficiary, which benefit equals, at the option of the member, either the full decreased retirement benefit or two-thirds (2/3) or one-half (1/2) of that benefit.

(B) If the member dies before retirement, the designated beneficiary may receive only the amount credited to the member in the annuity savings account unless the designated beneficiary is entitled to survivor benefits under IC 5-10.2-3.

(C) If the designated beneficiary dies before the member retires, the selection is automatically canceled and the member may make a new beneficiary election and may elect a different form of benefit under this subsection.

(2) Benefit with No Guarantee. The member receives an increased lifetime retirement benefit without the five (5) year guarantee specified in this subsection.

(3) Integration with Social Security. If the member retires before the age of eligibility for Social Security benefits, in order to provide a level benefit during the member's retirement the member receives an increased retirement benefit until the age of Social Security eligibility and decreased retirement benefits after that age.

(4) Cash Refund Annuity. The member receives a lifetime annuity purchasable by all or part of the amount credited to the member in the annuity savings account, and the member's designated beneficiary receives a refund payment equal to:

- (A) the total amount used in computing the annuity; minus
- (B) the total annuity payments paid and due to the member before the member's death.

(c) This subsection does not apply to a member of the Indiana state teachers' retirement fund after June 30, 2007, or to a member of the public employees' retirement fund after June 30, 2008. If:

- (1) the designated beneficiary dies while the member is receiving benefits; or
- (2) the member is receiving benefits, the member marries, either for the first time or following the death of the member's spouse, after the member's first benefit payment is made, and the member's designated beneficiary is not the member's current spouse or the member has not designated a beneficiary;

the member may elect to change the member's designated beneficiary or form of benefit under subsection (b) and to receive an actuarially adjusted and recalculated benefit for the remainder of the member's life or for the remainder of the member's life and the life of the newly designated beneficiary. The member may not elect to change to a five (5) year guaranteed form of benefit. If the member's new election is the joint and survivor option, the member shall indicate whether the designated beneficiary's benefit shall equal, at the option of the member, either the member's full recalculated retirement benefit or two-thirds (2/3) or one-half (1/2) of this benefit. The cost of recalculating the benefit shall be borne by the member and shall be included in the actuarial adjustment.

(d) Except as provided in subsection (c) or section 7.2 of this chapter, a member who files for regular or disability retirement may not change:

- (1) the member's retirement option under subsection (b);
- (2) the selection of a lump sum payment under section 2 of this chapter; or
- (3) the beneficiary designated on the member's application for benefits if the member selects the joint and survivor option under subsection (b)(1);

after the first day of the month in which benefit payments are scheduled to begin. For purposes of this subsection, it is immaterial whether a benefit check has been sent, received, or negotiated.

(e) A member may direct that the member's retirement benefits be paid to a revocable trust that permits the member unrestricted access to the amounts held in the revocable trust. The member's direction is not an assignment or transfer of benefits under IC 5-10.3-8-10 or IC 5-10.4-5-14.5.

(f) The board may adopt a policy to permit annual payment of a member's retirement benefit whenever the amount of the monthly retirement benefit to be paid to the member is not more than five dollars (\$5).

(g) The board may provide an alternative option for the payment of the member's retirement benefits that does not include the minimum benefit option under IC 5-10.2-3-9.

SECTION 5. IC 5-10.3-12-26, AS AMENDED BY P.L.27-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 26. (a) **Subject After December 31, 2020, subject** to the provisions of the Internal Revenue Code applicable to qualified plan distributions, a member who

- ~~(1) terminates service in a covered position and~~
- ~~(2) does not perform any service in a position covered by the fund for at least thirty (30) days after the date on which the member terminates service;~~

is entitled to withdraw all or part of the amounts in the member's account to the extent the member is vested in the account. A

member must make a required withdrawal from the member's account not later than the required beginning date under the Internal Revenue Code.

(b) The member may elect to have withdrawals paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) if the member has attained normal retirement age, a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option. The board shall establish the forms of annuity by rule, in consultation with the board's actuary. The board shall give members information about these forms of payment and any information required by federal law to accompany such distributions.

(d) Unless otherwise required by federal or state law, the requirements and rules that apply to the distribution of the annuity savings account apply to distributions from a member's account.

(e) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who:

- (1) reaches normal retirement age; and**
- (2) has attained vested status in the fund;**

may withdraw all or part of the amount in the member's account without separating from a covered position.

SECTION 6. IC 5-10.4-8-12, AS AMENDED BY P.L.27-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 12. (a) **Subject After December 31, 2020, subject** to the provisions of the Internal Revenue Code applicable to qualified plan distributions, a member who

- ~~(1) terminates service in a covered position and~~
- ~~(2) does not perform any service in a position covered by the fund for at least thirty (30) days after the date on which the member terminates service;~~

is entitled to withdraw all or part of the amounts in the member's account to the extent the member is vested in the account. A member must make a required withdrawal from the member's account not later than the required beginning date under the Internal Revenue Code.

(b) A member may elect to have withdrawals paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) if the member has attained normal retirement age, a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option. The board shall establish the forms of annuity by rule, in consultation with the board's actuary. The board shall give members information about these forms of payment and any information required by federal law to accompany such distributions.

(d) Unless otherwise required by federal or state law, the requirements and rules that apply to the distribution of the annuity savings account apply to distributions from a member's account.

(e) Subject to the Pension Protection Act of 2006 and

notwithstanding any state law, after December 31, 2020, an active member who:

- (1) reaches normal retirement age; and
- (2) has attained vested status in the fund;

may withdraw all or part of the amount in the member's account without separating from a covered position.

(Reference is to ESB 10 as reprinted February 26, 2020.)

Boots, Chair	Burton
Tallian	Moseley
Senate Conferees	House Conferees

Roll Call 351: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 237-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 237 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 8 through 38.

(Reference is to ESB 237 as printed February 21, 2020.)

L. Brown, Chair	Macer
Lanane	Morris
Senate Conferees	House Conferees

Roll Call 352: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 258-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 258 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 27-7-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.5. The bureau may recommend a premium or rate discount for a municipal corporation purchasing or procuring worker's compensation insurance under IC 22-3-2-2(c) or a volunteer fire department purchasing worker's compensation insurance under IC 36-8-12-10 that has implemented the best practices established under IC 36-8-10.5-11.**

SECTION 2. IC 36-8-10.5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 11. (a) The**

education board must establish best practices to improve safety and health outcomes for full-time firefighters and volunteer firefighters not later than July 1, 2021.

(b) The best practices must include:

- (1) a proactive health and safety risk management system consisting of a joint employer and employee governance structure to oversee a continuous process of identification, evaluation, monitoring and controlling, and reporting of safety and health hazards in the workplace;
- (2) ways to reduce firefighter risk of exposure to carcinogens; and
- (3) ways to prevent or reduce the risk of injuries and illness with particular focus on causes of compensable worker's compensation or disability claims.

(c) The education board shall:

- (1) review programs established by political subdivisions and volunteer fire departments implementing best practices under this section; and
- (2) provide a political subdivision or volunteer fire department with a letter for submission to an insurance company for consideration in a premium or rate discount toward the purchase or procurement of worker's compensation insurance under IC 22-3-2-2 that states that the political subdivision or volunteer fire department has implemented best practices under this section.

SECTION 3. IC 36-8-10.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 12. (a) The best practices fund is established for the purpose of providing matching grants to political subdivisions and volunteer fire departments to purchase equipment and other gear to implement best practices established under section 11 of this chapter.**

(b) The fund shall be administered by the education board.

(c) The fund consists of:

- (1) appropriations from the general assembly; and
- (2) amounts deposited from any other public or private source.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(g) The education board shall adopt rules under IC 4-22-2 to implement this section.

(Reference is to ESB 258 as reprinted February 21, 2020.)

Koch, Chair	Frye
Mrvan	Klinker
Senate Conferees	House Conferees

Roll Call 353: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1070-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1070 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, after line 29, begin a new paragraph and insert:

"(e) The bureau may not assess points under the point system for a violation of this section occurring before July 1, 2021."

(Reference is to EHB 1070 as printed February 21, 2020.)

Sullivan, Chair	Crider
Candelaria Reardon	Niezgowski
House Conferees	Senate Conferees

Roll Call 354: yeas 49, nays 1. Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 67 and 68 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

**PRESIDENT PRO TEMPORE'S REPORT
OF CONFeree ASSIGNMENTS**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1022:

Remove: Senator L. Brown as advisor

Conferees: Senator L. Brown to replace Senator Lonnie M. Randolph

BRAY
Date: 3/10/20
Time: 2:13 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF CONFeree ASSIGNMENTS**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1014:

Remove: Senator Buck as advisor

Conferees: Senator Buck to replace Senator Lanane

BRAY
Date: 3/10/20
Time: 2:14 p.m.

Report adopted.

SENATE MOTION

Madam President: I move that Senators Boots and Tomes be added as coauthors of Senate Resolution 57.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as coauthor of Senate Bill 148.

DORIOT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jon Ford be removed as second author of Senate Bill 178.

JON FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Crane be removed as third author of Senate Bill 178.

CRANE

Motion prevailed.

2:26 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 5:06 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senate Rule 82(c) be suspended with regard to its application to all motions to Concur that appear on a calendar for consideration on March 10, 2020 through midnight on March 14, 2020.

BRAY

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the motion of Senator Bray, requesting suspension of Senate Rule 82(c) with regard to its application to all motions to Concur that appear on a calendar for consideration on March 10, 2020 through midnight

on March 14, 2020, has had the same under consideration and begs leave to report back to the Senate with the recommendation that said motion be adopted.

BRAY, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senate Rule 86(a) be suspended with regard to its application to all Conference Committee Reports that appear on a calendar for consideration on March 10, 2020 through midnight on March 14, 2020.

BRAY

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the motion of Senator Bray, requesting suspension of Senate Rule 86(a) for all Conference Committee Reports that appear on a calendar for consideration on March 10, 2020 through midnight on March 14, 2020, has had the same under consideration and begs leave to report back to the Senate with the recommendation that said motion be adopted.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(l) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 132, 246, 340, and 433 and Engrossed House Bill 1414 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

BRAY, Chair

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 47:
Conferees: Senator M. Young to replace Senator Tallian

BRAY

Date: 3/10/20

Time: 4:59 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 229:

Remove: Senator Doriot as advisor

Conferees: Senator Doriot to replace Senator Stoops

BRAY

Date: 3/10/20

Time: 2:52 p.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed House Bills 1157 and 1414.

M. CAROLINE SPOTTS

Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed Senate Bill 237.

M. CAROLINE SPOTTS

Principal Clerk of the House

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 395.

BASSLER

Roll Call 355: yeas 40, nays 7. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 132-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 132 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-18.5-23-1, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. The bureau shall design and issue a ~~safety~~ first responder license plate. The ~~safety~~

first **safety responder** license plate shall:

- (1) be designed and issued as a special group recognition license plate under IC 9-18.5-12; and
- (2) replace the emergency medical services license plate issued by the bureau.

SECTION 2. IC 9-18.5-23-2, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a **safety first responder** license plate under this chapter upon doing the following:

- (1) Completing an application for a **safety first responder** license plate.
- (2) Paying the fees under section 3 of this chapter.

SECTION 3. IC 9-18.5-23-3, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3. (a) The fees for a **safety first responder** license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited in the fund established under IC 10-15-3-1.

SECTION 4. IC 10-19-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. "**Application**", for purposes of IC 10-19-2.1, means an application for:

- (1) a permit;
- (2) a registration;
- (3) a variance;
- (4) an authorization;
- (5) a license;
- (6) a certification; or
- (7) a waiver.

SECTION 5. IC 10-19-2.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 2.1. Powers and Duties of Department

Sec. 1. If a person is required to submit information, an application, or a document to:

- (1) the department;
- (2) an employee of the department;
- (3) an office or division of the department; or
- (4) a board, commission, or council staffed by the department;

the department, office, or division of the department, or the board, commission, or council staffed by the department, may require the person to submit the information, application, or document electronically. However, the department, office, or division of the department, or the board, commission, or council staffed by the department, may not require a person to submit information, an application, or a document electronically if the person demonstrates that being required to submit the information, application, or document electronically will constitute an

undue hardship for the person.

SECTION 6. IC 10-19-3-8, AS ADDED BY P.L.45-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The executive director may grant a variance to a rule governing the state disaster relief fund under 290 IAC 1. A variance granted under this section must promote the effective and expeditious distribution of relief assistance.

(b) The executive director may grant a variance to a rule under subsection (a) if an applicant for financial assistance under 290 IAC 1-1 or 290 IAC 1-2 does the following:

- (1) Submits to the executive director a written **or electronic** request for the variance in the form and manner specified by the executive director.
- (2) Documents that compliance with the rule specified in the application for the variance will create an undue hardship on the applicant, as determined by the executive director.
- (3) Documents that the applicant for the variance will be in substantial compliance with 290 IAC 1-1 or 290 IAC 1-2, as applicable, after the variance is granted, as determined by the executive director.
- (4) Documents that noncompliance with the rule specified in the application for a variance will not be adverse to public health and safety or the purposes of the fund, as determined by the executive director.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the executive director. Noncompliance with the alternative method constitutes the violation of a rule of the executive director and may be the basis for revoking the variance.

SECTION 7. IC 10-19-11-6, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

- (1) is registered or licensed in Indiana under this chapter; or
- (2) registers in writing **or an electronic format** with the agency, giving the pertinent information the agency requires, in accordance with the procedures prescribed by the agency.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the agency from licensure or registration under this chapter if the agency determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

SECTION 8. IC 20-26-18.2-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A school corporation or charter school served by a school resource officer employed for the protection of the school corporation or charter school under section 2 of this chapter shall annually report the number of school resource officers serving the school corporation or charter school to the department of homeland security before September 1.

(b) The department of homeland security shall:

(1) annually compile the information reported under subsection (a); and

(2) retain the information reported under subsection (a).

(c) For purposes of IC 5-14-3, the department of homeland security shall keep information compiled and retained under subsection (b) confidential and shall withhold the information from public disclosure.

SECTION 9. IC 22-11-14-2, AS AMENDED BY P.L.187-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The fire prevention and building safety commission shall:

- (1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and
- (2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

- (1) name a competent operator who is to officiate at the display;
- (2) set forth a brief resume of the operator's experience;
- (3) be made in writing **or an electronic format**; and
- (4) be received with the applicable fee by the division of fire and building safety at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

- (1) the chief of the fire department of the city or town in which the display is to be held; or
- (2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person may not possess, transport, or deliver special fireworks, except as authorized under this section.

SECTION 10. IC 22-13-5-2, AS AMENDED BY P.L.49-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Except as provided under subsection (c), upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written

interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

(c) If:

- (1) an interested person submits a written **or electronic** request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and
- (2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

SECTION 11. IC 22-14-7-22 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 22: (a) The reduced ignition propensity standards for cigarettes fund is established. Money in the fund may be used to support processing, testing, enforcement, and oversight activities under this chapter. The fund shall be administered by the state fire marshal.~~

~~(b) The expenses of administering the fund shall be paid from money in the fund.~~

~~(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.~~

~~(d) The fund consists of:~~

- ~~(1) certification fees collected under section 21 of this chapter; and~~
- ~~(2) grants, gifts, and donations intended for deposit in the fund.~~

~~(e) The money in the fund at the end of the state fiscal year does not revert to the state general fund.~~

SECTION 12. IC 22-14-7-27, AS AMENDED BY HEA 1174-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The fire prevention and public safety fund is established. The fund shall be administered by the state fire marshal. Money in the fund may be used to support:

- (1) fire safety and prevention programs; ~~and~~
- (2) processing, testing, enforcement, and oversight activities under this chapter; and**
- ~~(2)~~ **(3)** public safety education and outreach programs, including, but not limited to, youth helmet safety.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) The fund consists of:

- (1) certification fees collected under section 21 of this chapter;**
- ~~(1)~~ **(2)** penalties recovered under section 24 of this chapter; and
- ~~(2)~~ **(3)** grants, gifts, and donations intended for deposit in the fund.

(e) The money in the fund at the end of the state fiscal year

does not revert to the state general fund.

SECTION 13. IC 22-14-7-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 27.5. On July 1, 2020, the auditor of state shall transfer the balance that remained on June 30, 2020, in the reduced ignition propensity standards for cigarettes fund established by section 22 of this chapter (before its repeal) to the fire prevention and public safety fund established by section 27 of this chapter.**

SECTION 14. IC 22-15-5-4, AS AMENDED BY P.L.230-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The division shall carry out a program for the periodic inspection of regulated lifting devices being operated in Indiana. A regulated lifting device may not be operated without an operating certificate that covers the operation of the regulated lifting device.

(b) A permit issued under this section expires on the earlier of:

- (1) one (1) year after issuance; or
- (2) when the regulated lifting device is altered.

(c) After a regulated lifting device has been installed or altered, an applicant shall apply for an initial operating certificate. The division shall issue an initial operating certificate for a regulated lifting device if:

- (1) the applicant demonstrates:
 - (A) through an acceptance inspection made by an elevator inspector licensed under section 11 of this chapter that the regulated lifting device covered by the application complies with the laws governing its construction, repair, maintenance, and operation; and
 - (B) that the applicant has paid the fee set under IC 22-12-6-6(a)(7); and
- (2) the division verifies, through an inspection, that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device.

(d) The division shall issue a renewal operating certificate if the applicant:

- (1) demonstrates through the completion of applicable safety tests that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device;
- (2) submits results of all applicable safety tests, including failed safety tests for the regulated lifting device; and
- (3) has paid the fee set under IC 22-12-6-6(a)(7).

(e) The division may issue a temporary operating permit to an applicant under this section who does not comply with subsection (c)(1)(A) for a new or altered regulated lifting device or subsection (d)(1) for an existing unaltered regulated lifting device. The applicant must pay the fee set under IC 22-12-6-6(a)(7) to qualify for the temporary operating permit. Except as provided in subsection (f), the permit, including all renewal periods, is limited to sixty (60) days.

(f) The division may renew a temporary operating permit issued under subsection (e) for thirty (30) day periods during the construction of a building if the regulated lifting device is used for the transportation of construction personnel, tools, and

materials.

(g) The responsibilities of the division under this section may be carried out by a political subdivision that is approved by the commission under IC 22-13-2-10.

(h) A copy of the operating certificate shall be displayed in or on each regulated lifting device or in an associated machine room. **In addition to the requirements of this subsection, the two-dimensional bar code assigned to an elevator shall be displayed in or on each elevator in a location that is easily viewed and scanned by a person riding on the elevator.**

(i) A licensed elevator mechanic shall perform the maintenance on a regulated lifting device.

SECTION 15. IC 36-8-17-7, AS AMENDED BY P.L.1-2006, SECTION 578, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A fire department shall investigate and determine the causes and circumstances surrounding each fire occurring within the territory served by the fire department. The fire department shall begin the investigation when the fire occurs. The fire department shall immediately notify the division if the fire chief believes that a crime may have been committed and shall submit a written **or electronic** report to the division concerning every investigation at the end of each month. The fire department shall submit the report on the form prescribed by the division and shall include the following information in the report:

- (1) A statement of the facts relating to the cause and origin of the fire.
- (2) The extent of damage caused by the fire.
- (3) The amount of insurance on the property affected by the fire.
- (4) Other information required in the commission's rules.

(b) To carry out this section, a fire department may:

- (1) enter and inspect any real or personal property at a reasonable hour;
- (2) cooperate with the prosecuting attorney and assist the prosecuting attorney with any criminal investigation;
- (3) request that the office subpoena witnesses under IC 22-14-2-8 or order the production of books, documents, and other papers;
- (4) give oaths and affirmations;
- (5) take depositions and conduct hearings; and
- (6) separate witnesses and otherwise regulate the course of proceedings.

(c) Subpoenas, discovery orders, and protective orders issued under this section shall be enforced under IC 4-21.5-6-2.

(Reference is to ESB 132 as printed February 28, 2020.)

Crider, Chair	Frye
Mrvan	Klinker
Senate Conferees	House Conferees

Roll Call 356: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 190-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 190 respectfully reports that said two committees have conferred and agreed as

follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-20-1.1, AS AMENDED BY P.L.246-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

(A) debt service; or

(B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or (before January 1, 2009) IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more than the lesser of the following:

(A) An amount equal to the following:

(i) In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, two million dollars (\$2,000,000).

(ii) In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, five million dollars (\$5,000,000).

(iii) In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, an amount (as determined by the department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the amount determined under this clause for the preceding calendar year.

The department of local government finance shall publish the threshold determined under item (iii) in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(B) An amount equal to the following:

(i) One percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one hundred million dollars (\$100,000,000).

(ii) One million dollars (\$1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more

than one hundred million dollars (\$100,000,000).

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project.

(6) A project that is in response to:

(A) a natural disaster;

(B) an accident; or

(C) an emergency;

in the political subdivision that makes a building or facility unavailable for its intended use.

(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:

(A) the bonds or lease for the project were issued or entered into before July 1, 2008; or

(B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.

(8) A project of the Little Calumet River basin development commission for which bonds are payable from special assessments collected under IC 14-13-2-18.6.

(9) A project for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation exclusively for or of:

(A) local road and street systems, including bridges that are designated as being in a local road and street system;

(B) arterial road and street systems, including bridges that are designated as being in an arterial road and street system; or

(C) any combination of local and arterial road and street systems, including designated bridges.

SECTION 2. IC 6-1.1-20-10, AS AMENDED BY P.L.198-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) This section applies to:

(1) a political subdivision that adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease; and

(2) any other political subdivision that has assessed value within the same taxing district as the political subdivision described in subdivision (1).

Except as otherwise provided in this section, during the period commencing with the adoption of the ordinance or resolution and, if a petition and remonstrance process is commenced under section 3.2 of this chapter, continuing through the sixty (60) day period commencing with the notice under section 3.2(b)(1) of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project, **or any other political subdivision that has assessed value within the same taxing district**, may not promote a position on the petition or remonstrance by doing any of the following:

(1) Using facilities or equipment, including mail and messaging systems, owned by the political subdivision to

promote a position on the petition or remonstrance, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the petition or remonstrance or to pay for the gathering of signatures on a petition or remonstrance. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the petition or remonstrance during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the petition or remonstrance at any time. However, if a person described in subsection (f) is advocating for or against a position on the petition or remonstrance or discussing the petition or remonstrance as authorized under subsection (f), an employee of the political subdivision may assist the person in presenting information on the petition or remonstrance, if requested to do so by the person described in subsection (f).

(4) In the case of a school corporation, promoting a position on a petition or remonstrance by:

(A) using students to transport written materials to their residences or in any way involving students in a school organized promotion of a position;

(B) including a statement within another communication sent to the students' residences; or

(C) initiating discussion of the petition and remonstrance process at a meeting between a teacher and parents of a student regarding the student's performance or behavior at school. However, if the parents initiate a discussion of the petition and remonstrance process at the meeting, the teacher may acknowledge the issue and direct the parents to a source of factual information on the petition and remonstrance process.

However, this section does not prohibit an official or employee of the political subdivision from carrying out duties with respect to a petition or remonstrance that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the petition and remonstrance in response to inquiries from any person.

(b) A person may not solicit or collect signatures for a petition or remonstrance on property owned or controlled by the political subdivision.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a petition or remonstrance.

(d) This subsection does not apply to:

(1) a personal expenditure to promote a position on a petition and remonstrance by an employee of a school corporation whose employment is governed by a collective bargaining contract or an employment contract; or

(2) an expenditure to promote a position on a petition and remonstrance by a person or an organization that has a contract or an arrangement with the school corporation solely for the use of the school corporation's facilities.

A person or an organization that has a contract or an arrangement (whether formal or informal) with a school corporation to provide goods or services to the school corporation may not spend any money to promote a position on the petition or remonstrance. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on the petition or remonstrance. A person who violates this subsection:

(1) commits a Class A infraction; and

(2) is barred from performing any services with respect to the controlled project.

(f) Notwithstanding any other law, an elected or appointed public official of the political subdivision (including any school board member and school corporation superintendent), a school corporation assistant superintendent, or a chief school business official of a school corporation may at any time:

(1) personally advocate for or against a position on the petition or remonstrance; or

(2) discuss the petition or remonstrance with any individual, group, or organization or personally advocate for or against a position on the petition or remonstrance before any individual, group, or organization;

so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds. However, this subsection does not authorize or apply to advocacy or discussion by a school board member, superintendent, assistant superintendent, or school business official to or with students that occurs during the regular school day.

(g) Nothing in this section shall be construed to prevent a political subdivision that has assessed value within the same taxing district as the political subdivision described in subsection (a) from adopting a resolution or taking a position on the local public question.

SECTION 3. IC 6-1.1-20-10.1, AS AMENDED BY P.L.198-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.1. (a) This section applies only to:

(1) a political subdivision that after June 30, 2008, adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease subject to sections 3.5 and 3.6 of this chapter; and

(2) any other political subdivision that has assessed value within the same taxing district as the political subdivision described in subdivision (1).

(b) Except as otherwise provided in this section, during the period beginning with the adoption of the ordinance or resolution and continuing through the day on which a local public question is submitted to the voters of the political subdivision under section 3.6 of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled

project, or any other political subdivision that has assessed value within the same taxing district, may not promote a position on the local public question by doing any of the following:

- (1) Using facilities or equipment, including mail and messaging systems, owned by the political subdivision to promote a position on the local public question, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.
- (2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the local public question. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.
- (3) Using an employee to promote a position on the local public question during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the local public question at any time. However, if a person described in subsection (f) is advocating for or against a position on the local public question or discussing the local public question as authorized under subsection (f), an employee of the political subdivision may assist the person in presenting information on the local public question, if requested to do so by the person described in subsection (f).
- (4) In the case of a school corporation, promoting a position on a local public question by:
 - (A) using students to transport written materials to their residences or in any way involving students in a school organized promotion of a position;
 - (B) including a statement within another communication sent to the students' residences; or
 - (C) initiating discussion of the local public question at a meeting between a teacher and parents of a student regarding the student's performance or behavior at school. However, if the parents initiate a discussion of the local public question at the meeting, the teacher may acknowledge the issue and direct the parents to a source of factual information on the local public question.

However, this section does not prohibit an official or employee of the political subdivision from carrying out duties with respect to a local public question that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the local public question in response to inquiries from any person.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a controlled project subject to a local public question held under section 3.6 of this chapter.

(d) This subsection does not apply to:

- (1) a personal expenditure to promote a position on a local public question by an employee of a school corporation whose employment is governed by a collective bargaining contract or an employment contract; or

(2) an expenditure to promote a position on a local public question by a person or an organization that has a contract or an arrangement (whether formal or informal) with the school corporation solely for the use of the school corporation's facilities.

A person or an organization that has a contract or an arrangement (whether formal or informal) with a school corporation to provide goods or services to the school corporation may not spend any money to promote a position on a local public question. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, a registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on a local public question. A person who violates this subsection:

- (1) commits a Class A infraction; and
- (2) is barred from performing any services with respect to the controlled project.

(f) Notwithstanding any other law, an elected or appointed public official of the political subdivision (including any school board member and school corporation superintendent), a school corporation assistant superintendent, or a chief school business official of a school corporation may at any time:

- (1) personally advocate for or against a position on the local public question; or
- (2) discuss the public question with any individual, group, or organization or otherwise personally advocate for or against a position on the public question before any individual, group, or organization;

so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds. However, this subsection does not authorize or apply to advocacy or discussion by a school board member, superintendent, assistant superintendent, or school business official to or with students that occurs during the regular school day.

(g) A student may use school equipment or facilities to report or editorialize about a local public question as part of the news coverage of the referendum by student newspaper or broadcast.

(h) Nothing in this section shall be construed to prevent a political subdivision that has assessed value within the same taxing district as the political subdivision described in subsection (a) from adopting a resolution or taking a position on the local public question.

(Reference is to ESB 190 as reprinted March 3, 2020.)

Holdman, Chair	Thompson
G. Taylor	Pryor
Senate Conferees	House Conferees

Roll Call 357: yeas 29, nays 19. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 246-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 246 respectfully reports that said two committees have conferred and agreed as

follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 27 through 38.

Renumber all SECTIONS consecutively.

(Reference is to ESB 246 as reprinted February 18, 2020.)

Crider, Chair	Cook
Mrvan	Austin
Senate Conferees	House Conferees

Roll Call 358: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 340-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 340 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 32-21-2-3, AS AMENDED BY P.L.14-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (c), a conveyance, a mortgage, or an instrument of writing to be recorded must be:

- (1) acknowledged by the grantor; ~~or and~~
- (2) proved before a:
 - (A) judge;
 - (B) clerk of a court of record;
 - (C) county auditor;
 - (D) county recorder;
 - (E) notary public;
 - (F) mayor of a city in Indiana or any other state;
 - (G) commissioner appointed in a state other than Indiana by the governor of Indiana;
 - (H) minister, charge d'affaires, or consul of the United States in any foreign country;
 - (I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;
 - (J) clerk-treasurer for a town; or
 - (K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it meets the requirements of this subsection. The conveyance must include a statement containing substantially the following information:

"The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is [insert proper mailing address].

The mailing address of the grantee is [insert proper mailing

address].".

The mailing address for the grantee must be a street address or a rural route address. A conveyance complies with this subsection if it contains the address or addresses required by this subsection at the end of the conveyance and immediately preceding or following the statements required by IC 36-2-11-15.

(c) This section does not apply to the Indiana department of transportation.

SECTION 2. IC 32-24-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Upon the filing of a complaint under this chapter, the circuit court clerk shall issue a notice requiring the defendants to appear before the court on the day to be fixed by the plaintiff by indorsement on the complaint at the time of filing the complaint, and to show cause, if any, why the property sought to be condemned should not be acquired. **The notice must also provide notice to defendants of their right to object under section 8 of this chapter not later than thirty (30) days from the date the notice is served. The notice must include, either as an attachment or as part of the language of the notice, the full text of section 8 of this chapter.** The notice shall be substantially in the following form:

In the _____ Court of Indiana.

To the Sheriff of _____ County, Indiana:

You are hereby commanded to notify _____, defendants, to appear before the _____ Court of _____ County, Indiana on the _____ day of _____, 20_____, at _____ o'clock, ____ M. ~~to show cause; if any, they have why the~~ **to object to the condemnation of property sought to be acquired in the complaint of _____. should not be acquired. If defendants object to the acquisition of the property, defendants must file objections with the court under IC 32-24-1-8 not later than thirty (30) days after the date this notice is served. The court may extend the period for filing objections by an additional thirty (30) days upon written motion of the defendants.**

Witness my hand and the seal of the court affixed at _____, Indiana, this ____ day of _____, 20_____.

Clerk of _____ Court.

(b) The notice shall be served in the same manner as a summons is served in civil actions. Upon a showing by affidavit that any defendant is a nonresident of Indiana or that the defendant's name or residence is unknown, publication and proof of the notice may be made as provided in section 7 of this chapter.

SECTION 3. IC 32-24-1-8, AS AMENDED BY P.L.146-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) A defendant may object to the proceedings:

- (1) because the court does not have jurisdiction either of the subject matter or of the person;
- (2) because the plaintiff does not have the right to exercise the power of eminent domain for the use sought; or
- (3) for any other reason disclosed in the complaint or set up in the objections.

(b) Objections under subsection (a) must be:

- (1) in writing;

- (2) separately stated and numbered; and
- (3) filed not later than thirty (30) days after the date the notice required in section 6 of this chapter is served on the defendant. However, the court may extend the period for filing objections by not more than thirty (30) days upon written motion of the defendant.

(c) The court may not allow pleadings in the cause other than the complaint, any objections, and the written exceptions provided for in section 11 of this chapter. However, the court may permit amendments to the pleadings.

(d) If an objection is sustained, the plaintiff may amend the complaint or may appeal from the decision in the manner that appeals are taken from final judgments in civil actions. All the parties shall take notice and are bound by the judgment in an appeal.

(e) If the objections are overruled, the court shall appoint appraisers as provided for in this chapter. Any defendant may appeal the interlocutory order overruling the objections and appointing appraisers in the manner that appeals are taken from final judgments in civil actions.

(f) All the parties shall take notice of and be bound by the judgment in the appeal.

(g) The transcript must be filed in the office of the clerk of the supreme court not later than thirty (30) days after the notice of the defendant's appeal is filed. The appeal does not stay proceedings in the cause.

(h) This subsection does not apply to a condemnation action brought by a public utility (as defined in section 5.9(a) of this chapter) or by a pipeline company. Notwithstanding section 14 of this chapter, if an objection:

- (1) is sustained, and no appeal is filed; or**
- (2) is sustained in the judgment in the appeal;**

the court shall award the defendant the reasonable costs and attorney's fees incurred for the objection, in an amount not to exceed twenty-five thousand dollars (\$25,000).

SECTION 4. IC 32-24-2-6, AS AMENDED BY P.L.172-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) This chapter applies if the works board of a municipality wants to acquire property for the use of the municipality or to open, change, lay out, or vacate a street, an alley, or a public place in the municipality, including a proposed street or alley crossings of railways or other rights-of-way. However, this chapter does not apply if a municipality wants to acquire the property of a public utility (as defined in IC 8-1-2-1).

(b) The works board must adopt a resolution that the municipality wants to acquire the property. The resolution must describe the property that may be injuriously or beneficially affected. The board shall have notice of the resolution:

- (1) published in a newspaper of general circulation published in the municipality once each week for two (2) consecutive weeks; and**
- (2) mailed to the owner of each piece of property affected by the proposed acquisition.**

The notice must name a date, at least ~~ten (10)~~ **thirty (30)** days after the last publication, at which time the board will receive or hear remonstrances from persons interested in or affected by the proceeding.

(c) The works board shall consider the remonstrances, if any, and then take final action, confirming, modifying, or rescinding its original resolution. ~~This action is conclusive as to all persons.~~

SECTION 5. IC 32-24-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Upon the completion of the list, the works board shall award the damages sustained and assess the benefits accruing to each piece of property on the list.

(b) When the assessments or awards are completed, the works board shall have a written notice served upon the owner of each piece of property, showing the amount of the assessment or award, by:

(1) if the owner is a resident of the municipality, leaving a copy of the notice at the owner's last usual place of residence in the municipality or by delivering a copy to the owner personally and mailing a copy of the notice to the owner's address of record; or

(2) if the owner is not a resident of the municipality, by sending the notice to the owner's address of record by certified mail.

~~(c) If the owner is a nonresident, or~~ If the owner's residence is unknown, the municipality shall notify the owner by publication in a daily newspaper of general circulation in the municipality once each week for three (3) successive weeks.

(d) The notices must also name a day, at least ~~ten (10)~~ **thirty (30)** days after service of notice or after the last publication, on which the works board will receive or hear remonstrances from ~~persons~~ **owners** with regard to:

(1) the amount of their respective awards or assessments; and

(2) objections to the municipality's right to exercise the power of eminent domain for the use sought.

(e) Persons not included in the list of the assessments or awards and claiming to be entitled to them are considered to have been notified of the pendency of the proceedings by the original notice of the resolution of the works board.

(f) The notice required by this section must provide the full text of subsection (d) to provide notice to the property owners of their right to object to the condemnation and be in substantially the same form as the notice required under IC 32-24-1-6(a).

SECTION 6. IC 32-24-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) A person notified or considered to be notified under this chapter may appear before the works board on the day fixed for hearing remonstrances to awards and assessments **and the municipality's right to exercise the power of eminent domain for the use sought** and remonstrate in writing against them.

(b) After the remonstrances have been received, the works board shall either sustain or modify the awards or assessments in the case of remonstrances that have been filed **that are based on the amount of the awards or assessments.** The works board shall sustain the award or assessment in the case of an award or assessment against which a remonstrance has not been filed.

(c) If a person remonstrates in writing an objection to the municipality's right to exercise the power of eminent domain for the use sought, the works board shall consider the remonstrance and confirm, modify, or rescind its original

resolution.

~~(c)~~ **(d)** A person remonstrating in writing who is aggrieved by the decision of the works board may, not later than ~~twenty (20)~~ **thirty (30)** days after the decision is made, take an appeal to a court that has jurisdiction in the county in which the municipality is located. The appeal affects only the assessment or award of the person appealing.

SECTION 7. IC 32-24-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) The appeal may be taken by filing an original complaint in the court against the municipality within the time required by section ~~10(c)~~ **10(d)** of this chapter, setting forth the action of the works board with respect to the assessment and stating the facts relied upon as showing an error on the part of the board. The court shall rehear the matter of the assessment de novo and confirm, reduce, or increase the assessment. If the court reduces the amount of benefit assessed or increases the amount of damages awarded, the plaintiff may recover costs. If the court confirms the amount of the assessment, the plaintiff may not recover costs. ~~The judgment of the court is conclusive, and an appeal may not be taken from the court's judgment.~~

(b) If upon appeal the benefits assessed or damages awarded by the works board are reduced or increased, the municipality may, upon the payment of costs, discontinue the proceedings. It may also, through the works board, make and adopt an additional assessment against all the property originally assessed in the proceeding, or that part that is benefitted, in the manner provided for the original assessment. However, such an assessment against any one (1) piece of property may not exceed ten percent (10%) of the original assessment against it.

(c) If the municipality decides to discontinue the proceedings upon payment of costs and if assessments for benefits have already been paid, the amounts paid shall be paid back to the person or persons paying them.

(d) The parties may appeal a court's judgment under this section in the manner that appeals are taken from final judgments in civil actions. All of the parties shall take notice of and be bound by the judgment of the appeal.

SECTION 8. IC 32-24-4.5-11, AS ADDED BY P.L.163-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) This section applies to a parcel of real property located in a project area:

- (1) that is located in only one (1) county;
- (2) that is at least ten (10) acres in size; and
- (3) in which a condemnor or its agents has acquired clear title to at least ninety percent (90%) of the parcels in the project area.

(b) As used in this section, "project area" means an area designated by a condemnor and the legislative body for the condemnor for economic development.

(c) Notwithstanding sections 7 and 8 of this chapter, a condemnor may acquire a parcel of real property by the exercise of eminent domain under this section only if all of the following conditions are met:

- (1) The parcel of real property is not occupied by the owner of the parcel as a residence.
- (2) The legislative body for the condemnor adopts a

resolution by a ~~two-thirds (2/3)~~ **three-fourths (3/4)** vote that authorizes the condemnor to exercise eminent domain over a particular parcel of real property.

(d) A condemnor that acquires a parcel of real property through the exercise of eminent domain under this section shall compensate the owner of the parcel as follows:

(1) Payment to the owner equal to one hundred twenty five percent (125%) of the fair market value of the parcel as determined under IC 32-24-1.

(2) Payment of any other damages as determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain.

(3) Payment of the owner's relocation costs, if any.

(e) The condemnor may not acquire a parcel of real property through the exercise of eminent domain under this section if the owner of the parcel demonstrates by clear and convincing evidence that:

(1) the location of the parcel is essential to the viability of the owner's commercial activity and **the payment of damages and relocation costs cannot adequately compensate the owner of the parcel; or**

(2) ~~the payment of damages and relocation costs cannot adequately compensate the owner of the parcel; the parcel is not necessary for the economic development project for which it is sought.~~

(f) The court shall award the payment of reasonable attorney's fees to the owner of a parcel in accordance with this chapter.

(Reference is to ESB 340 as printed February 25, 2020.)

Spartz, Chair	Wolkins
G. Taylor	Bauer
Senate Conferees	House Conferees

Roll Call 359: yeas 41, nays 7. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 433-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 433 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-28-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 23. (a) The director may remove or eliminate a structure, an obstruction, a deposit, or an excavation in a floodway that:

- (1) adversely affects the efficiency of or unduly restricts the capacity of the floodway;
- (2) constitutes an unreasonable hazard to the safety of life or property; or
- (3) is unreasonably detrimental to fish, wildlife, or botanical resources;

by an action in condemnation.

(b) In assessing the damages in the proceedings, the appraisers and the court shall take into consideration whether the structure, obstruction, deposit, or excavation is legally in or on the floodway.

(c) Beginning January 1, 2020, the director shall not exercise the authority under subsection (a) to remove or eliminate an abode or residence from a floodway if:

(1) the abode or residence was constructed before January 1, 2020;

(2) the owner of the abode or residence has taken necessary measures to elevate the lowest floor of the abode or residence, as reconstructed, including the basement, to at least two (2) feet above the one hundred (100) year flood elevation within two (2) years after receiving notification from the department concerning the abode or residence; and

(3) the owner of the abode or residence has taken necessary measures to comply with all applicable local, state, and federal floodway regulations.

SECTION 2. An emergency is declared for this act.

(Reference is to ESB 433 as reprinted March 3, 2020.)

Bassler, Chair	Lindauer
Tallian	Pfaff
Senate Conferees	House Conferees

Senator Becker is excused from the remainder of Session per President Pro Tempore Bray.

Roll Call 360: yeas 40, nays 8. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1414-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1414 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-8.5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) As used in this section, "legacy generation resource" means an electric generating facility owned directly or indirectly by a corporation that was formed for the original purpose of providing power to the federal government for use in the nation's defense or in furtherance of national interests, including the Ohio Valley Electric Corporation.**

(b) As used in this section, "reliable capacity resource" means an electric generating unit:

(1) that is located in Indiana;

(2) the capacity of which is valued by a regional transmission organization at a minimum of eighty

percent (80%) of the unit's nameplate capacity; and

(3) that maintains an annual average onsite fuel inventory of at least thirty (30) days of average fuel consumption.

(c) The general assembly finds that it is in the public interest to support the reliability, availability, fuel security, and diversity of electric generating capacity in Indiana for the purpose of providing reliable and stable electric service to customers of public utilities.

(d) A public utility that owns and operates a reliable capacity resource shall operate and maintain the unit using good utility practices and in a manner reasonably intended to support the availability of the unit for dispatch and for providing reliable service to customers of the public utility.

(e) A public utility may not terminate a power agreement with a legacy generation resource in which the public utility has an ownership interest unless the public utility provides the commission with at least three (3) years advance notice of the termination. The commission shall determine the reasonable costs incurred by the public utility under the power agreement and allow the public utility to recover those costs in a fuel adjustment charge proceeding under IC 8-1-2-42. For purposes of this subsection, a public utility's reasonable costs related to a legacy generation resource means those costs, including deferred costs, allocated under a power agreement approved by the Federal Energy Regulatory Commission and relating to a legacy generation resource.

(f) A public utility may not retire, sell, or transfer a reliable capacity resource with a capacity exceeding eighty (80) megawatts before May 1, 2021, unless:

(1) the public utility first provides written notice to the commission of the public utility's intent to do so; and

(2) the commission conducts a public hearing, noticed in accordance with IC 5-14-1.5, to receive information concerning the reasonableness of the planned retirement, sale, or transfer.

A public utility may provide the written notice required under subdivision (1) at any time. Not later than one hundred twenty (120) days after the date of the commission's receipt of the public utility's written notice to the commission under this subsection, the commission shall conduct the hearing described in subdivision (2) and issue the commission's analysis and conclusions concerning the reasonableness of the planned retirement, sale, or transfer based on the information received. If the planned retirement, sale, or transfer was included in the public utility's preferred portfolio in the public utility's most recent integrated resource plan, the public utility may proceed with the planned retirement, sale, or transfer after the commission issues the commission's analysis and conclusions under this subsection. If the planned retirement, sale, or transfer was not included in the public utility's preferred portfolio in the public utility's most recent integrated resource plan, the public utility may not proceed with the planned retirement, sale, or transfer until at least six (6) months have elapsed from the date of the commission's receipt of the public utility's written notice under this subsection.

(g) If a public utility that seeks to retire, sell, or transfer a reliable capacity resource under subsection (f) cites a federal mandate as the basis, in whole or in part, for the planned retirement, sale, or transfer of the unit, the commission may consider as part of the commission's analysis and conclusions under subsection (f) whether the cited federal mandate:

- (1) is in force;
- (2) has not expired or been revoked; and
- (3) is not merely anticipated to be enacted;

at the time of the public utility's notice under subsection (f).

(h) This section expires May 1, 2021.

SECTION 2. IC 8-1-8.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) As used in this section, "coal industry employment" means employment:**

- (1) at a commercial coal mine in Indiana;
- (2) at a coal fired electric generating unit in Indiana; or
- (3) in an Indiana based manufacturing or transportation supply chain serving:

(A) a commercial coal mine in Indiana; or

(B) a coal fired electric generating unit in Indiana.

(b) As used in this section, "coal transition worker" means:

(1) an individual who:

(A) has been laid off or terminated from the individual's coal industry employment; or

(B) has received a notice of termination or layoff from the individual's coal industry employment;

as a result of the permanent closure of, or a substantial layoff at, a commercial coal mine in Indiana or a coal fired electric generating unit in Indiana; or

(2) an individual who:

(A) has:

(i) been laid off or terminated, for a reason other than cause; or

(ii) received a notice of termination or layoff, for a reason other than cause;

from the individual's coal industry employment; and

(B) is unlikely to obtain employment in an industry described in subsection (a)(1) through (a)(3) because of market forces or other factors affecting the industry.

(c) In awarding high value workforce ready credit-bearing grants under IC 21-12-8, the commission for higher education, in conjunction with the department of workforce development, shall give priority to an applicant who is a coal transition worker if the applicant is otherwise eligible for a grant under IC 21-12-8-9.

SECTION 3. An emergency is declared for this act.

(Reference is to EHB 1414 as reprinted March 3, 2020.)

Soliday, Chair

Messmer

Morrison

Koch

House Conferees

Senate Conferees

Roll Call 361: yeas 28, nays 21. Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 148:

Conferees: Senator M. Young to replace Senator Lanane

BRAY

Date: 3/10/20

Time: 5:31 p.m.

Report adopted.

5:58 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 9:34 p.m., with the President of the Senate in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(l) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 256, 299, 346, and 438 and Engrossed House Bills 1014, 1022, 1092, 1153, 1157, 1385, and 1419 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

BRAY, Chair

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFeree ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1006:

Conferees: Charbonneau and Stoops

Advisors: Crider and Lonnie M. Randolph

BRAY

Date: 3/10/20

Time: 8:05 p.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed Senate Bills 256, 340, and 433.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1006. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Engleman, Chair and Wright
Advisors: Schaibley, Bartlett, and Hatfield

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Prescott as advisor on Engrossed Senate Bill 229.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Errington as a conferee on Engrossed Senate Bill 229 and now appoints Representative Prescott as a conferee thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Shackleford as a conferee on Engrossed Senate Bill 148 and now appoints Representative Manning as a conferee thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed House Bills 1022, 1092, 1153, and 1419.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has reconsidered its dissent from the Senate amendments to Engrossed House Bill 1326 and has now concurred in those amendments.

M. CAROLINE SPOTTS
Principal Clerk of the House

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 256-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed

House Amendments to Engrossed Senate Bill 256 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-1.3-13, AS AMENDED BY P.L.2-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) A study committee shall study the issues assigned by the legislative council that are within the subject matter for the study committee, as described in section 4 of this chapter.

(b) In addition to the issues assigned under subsection (a), the interim study committee on roads and transportation shall advise the bureau of motor vehicles regarding the suitability of a special group (as defined in IC 9-13-2-170) to receive a special group recognition license plate for the special group (as defined in IC 9-13-2-170) for the first time under IC 9-18.5-12-4 and the suitability of a special group (as defined in IC 9-13-2-170) to continue participating in the special group recognition license plate program under IC 9-18.5-12-5.

(c) In addition to the issues assigned under subsection (a), the interim study committee on corrections and criminal code shall review current trends with respect to criminal behavior, sentencing, incarceration, and treatment and may:

- (1) identify particular needs of the criminal justice system that can be addressed by legislation; and
- (2) prepare legislation to address the particular needs found by the committee.

(d) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review, consider, and make recommendations concerning all requests for new courts, new judicial officers, and changes in jurisdiction of existing courts. A request under this subsection must include at least the following information to receive full consideration by the committee:

- (1) The level of community support for the change, including support from the local fiscal body.**
- (2) The results of a survey that shall be conducted by the county requesting the change, sampling members of the bar, members of the judiciary, and local officials to determine needs and concerns of existing courts.**
- (3) Whether the county is already using a judge or magistrate from an overserved area of the judicial district.**
- (4) The relative severity of need based on the most recent weighted caseload measurement system report published by the office of judicial administration.**
- (5) Whether the county is using any problem solving court as described in IC 33-23-16-11, and, if so, the list of problem solving courts established in the county, and any evaluation of the impact of the problem solving courts on the overall judicial caseload.**
- (6) A description of the:**

(A) county's population growth in the ten (10) years before the date of the request; and

(B) projected population growth in the county for the ten (10) years after the date of the request, to the extent available;

and any documentation to support the information provided under this subdivision.

(7) A description of the county's use of pre-incarceration diversion services and post-incarceration reentry services in an effort to decrease recidivism.

(8) If the request is a request for a new court or new courts, an acknowledgment from the county fiscal body (as defined in IC 36-1-2-6) with the funding sources and estimated costs the county intends to pay toward the county's part of the operating costs associated with the new court or new courts.

The office of judicial administration shall post the list of required information provided under this subsection on its Internet web site.

(e) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review the most recent weighted caseload measurement system report published by the office of judicial administration and do the following:

(1) Identify each county in which the number of courts or judicial officers exceeds the number used by the county in that report year.

(2) Determine the number of previous report years in which the number of courts or judicial officers in a county identified in subdivision (1) exceeded the number used by the county in that particular report year.

(3) Make a recommendation on whether the number of courts or judicial officers in the county should be decreased.

The office of judicial administration shall post a list of the number of courts or judicial officers used in each county for each report year, and the number of years in which the number of courts or judicial officers in the county has exceeded the number used by the county, on its Internet web site.

SECTION 2. IC 33-33-10-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 1.1. IC 33-29-1 does not apply to this chapter.**

SECTION 3. IC 33-33-10-2.5, AS ADDED BY P.L.201-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. (a)** The Clark circuit court is a court of general jurisdiction with four (4) judges. The divisions of the court shall be known as Clark circuit court No. 1, No. 2, No. 3, and No. 4. Clark County constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:

(1) A small claims and misdemeanor division under IC 33-28-3 that has a:

(A) small claims docket; and

(B) minor offenses and violations docket.

(2) Criminal.

(3) Juvenile.

(4) Civil.

(5) Probate.

(b) The assignment of judges of the circuit court to the dockets specified in subsection (a) must be by rule of the circuit court.

(c) This section expires January 1, 2025.

SECTION 4. IC 33-33-10-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.7. (a)** This section applies beginning January 1, 2025.

(b) The Clark circuit court is a court of general jurisdiction with six (6) judges.

(c) The court shall have six (6) divisions, known as Clark circuit court No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6.

(d) Clark County constitutes the judicial district of the court and each of the court's divisions.

(e) The court shall maintain the following dockets:

(1) A small claims and misdemeanor division under IC 33-28-3 that has a:

(A) small claims docket; and

(B) minor offenses and violations docket.

(2) Criminal.

(3) Juvenile.

(4) Civil.

(5) Probate.

(f) The assignment of judges of the circuit court to the dockets specified in subsection (e) must be by rule of the circuit court.

SECTION 5. IC 33-33-10-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.8. (a)** The first judge of Clark circuit court No. 5 elected under Article 7, Section 7 of the Constitution of the State of Indiana shall:

(1) be elected at the November 2024 general election;

(2) take office January 1, 2025; and

(3) serve a term of six (6) years.

(b) The first judge of Clark circuit court No. 6 elected under Article 7, Section 7 of the Constitution of the State of Indiana shall:

(1) be elected at the November 2024 general election;

(2) take office January 1, 2025; and

(3) serve a term of six (6) years.

(c) This section expires January 1, 2026.

SECTION 6. IC 33-33-10-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.1. (a)** Two (2) superior courts are established in Clark County.

(b) Each court established by subsection (a) consists of one (1) judge, appointed by the governor.

(c) Each judge appointed under subsection (b) will take office July 1, 2021.

(d) The term of office of a judge appointed under subsection (b) expires January 1, 2025.

(e) To be eligible to hold office as a judge of Clark superior court, an individual must be:

(1) a resident of Clark County; and

(2) admitted to the bar of Indiana.

(f) The courts established by subsection (a) will convert to Clark circuit court No. 5 and Clark circuit court No. 6 on January 1, 2025.

(g) This section expires January 2, 2025.

SECTION 7. IC 33-33-10-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.1. (a) The superior courts shall be known as Clark superior court No. 5 and Clark superior court No. 6.

(b) Clark County constitutes the judicial district of each court.

(c) Each superior court shall be a court of record having the same jurisdiction as the circuit court. A judge of the superior court has the same powers relating to the conduct of business of the court as the judge of the circuit court.

(d) Each court shall have a seal containing the words "Clark Superior Court _____ (insert "No. 5" or "No. 6") of Clark County, Indiana".

(e) This section expires January 1, 2025.

SECTION 8. IC 33-33-10-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.1. (a) Each judge of a superior court may make and adopt rules and regulations for conducting the business of the judge's court, not inconsistent with Indiana law.

(b) This section expires January 1, 2025.

SECTION 9. IC 33-33-10-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6.1. (a) Each judge of a superior court has the same power to do any of the following as is conferred on circuit courts or the judges of circuit courts:

- (1) Grant restraining orders and injunctions.
- (2) Issue writs of habeas corpus and of mandate and prohibition.
- (3) Appoint receivers, master commissioners to convey real property, and grant commissions for the examination of witnesses.
- (4) Appoint other officers necessary to facilitate and transact the business of the court.

(b) This section expires January 1, 2025.

SECTION 10. IC 33-33-10-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7.1. (a) Each superior court shall hold its sessions at the courthouse of the county, or at other convenient places in the county as the court designates.

(b) The county commissioners shall provide suitable quarters for each court.

(c) This section expires January 1, 2025.

SECTION 11. IC 33-33-10-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8.1. (a) The clerk, under the direction of a judge of the superior court, shall provide order books, judgment dockets, execution dockets, fee books, and such other books, papers, and records as are necessary for that court.

(b) All books, papers, and proceedings of each court shall

be kept distinct and separate from those of other courts, and the records of all civil cases separate and apart from the records of juvenile matters.

(c) This section expires January 1, 2025.

SECTION 12. IC 33-33-10-9.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9.1. (a) Each judge of a superior court shall appoint a bailiff for the court, whose salary shall be fixed and paid as provided by law.

(b) This section expires January 1, 2025.

SECTION 13. IC 33-33-10-10.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.1. (a) Each judge of a superior court shall appoint a court reporter, whose duties, salary, and term shall be regulated in the same manner as the court reporter of circuit courts.

(b) This section expires January 1, 2025.

SECTION 14. IC 33-33-10-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11.1. (a) All laws governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointment of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court are applicable to and govern the superior courts.

(b) This section expires January 1, 2025.

SECTION 15. IC 33-33-10-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12.1. (a) The process of each superior court must have the seal affixed and be attested, directed, served, and returned, and be in the form as is provided for process issuing from the circuit court.

(b) This section expires January 1, 2025.

SECTION 16. IC 33-33-10-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15.3. (a) A judge of the circuit court may, with the consent of a judge of the superior court, transfer any action or proceeding from the circuit court to that superior court.

(b) A judge of the superior court may, with the consent of a judge of the circuit court, transfer any action or proceeding from that superior court to that circuit court.

(c) A judge of the superior court may, with the consent of the judge of the other superior court, transfer any action or proceeding from that superior court to the other superior court.

(d) A judge of the circuit court may, with the consent of a judge of the superior court, sit as a judge of that superior court in any matter, as if the judge were judge of that superior court.

(e) A judge of the superior court may, with consent of a judge of the circuit court, sit as a judge of that circuit court as if the judge were judge of the circuit court.

(f) A judge of the superior court may, with the consent of the judge of the other superior court, sit as judge of the other superior court as if the judge of that superior court.

(g) This section expires January 1, 2025.

SECTION 17. IC 33-33-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The Delaware circuit court is a court of general jurisdiction with ~~five (5)~~ **six (6)** judges. The divisions of the court shall be known as Delaware circuit court No. 1, No. 2, No. 3, No. 4, ~~and No. 5, and No. 6.~~ The county of Delaware constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:

- (1) Small claims.
- (2) Minor offenses and violations.
- (3) Criminal.
- (4) Juvenile.
- (5) Civil.
- (6) Probate.

(b) The assignment of judges of the court to the dockets specified in subsection (a) shall be by rule of the court. ~~However, Delaware circuit court No. 4 and Delaware circuit court No. 5 shall each have a standard small claims and misdemeanor docket.~~

SECTION 18. IC 33-33-18-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.1. (a) **Notwithstanding section 2 of this chapter, Delaware circuit court No. 6 is established January 1, 2023.**

(b) The first judge of Delaware circuit court No. 6 shall:

- (1) be elected at the November 2022 general election;**
- (2) take office January 1, 2023; and**
- (3) serve a term of six (6) years.**

(c) This section expires January 1, 2029.

SECTION 19. IC 33-33-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Gibson County constitutes the sixty-sixth judicial circuit.

(b) The judges of the Gibson superior court and Gibson circuit court may appoint one (1) full-time magistrate under IC 33-23-5 to serve both courts.

(c) The magistrate continues in office until removed by the judge of the Gibson superior court and the judge of the Gibson circuit court.

SECTION 20. IC 33-33-29-6, AS AMENDED BY P.L.12-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The judge of the Hamilton circuit court and the judges of the Hamilton superior courts may jointly appoint ~~three (3)~~ **four (4)** full-time magistrates under IC 33-23-5 to serve the circuit and superior courts.

(b) A magistrate continues in office until jointly removed by the judge of the Hamilton circuit court and the judges of the Hamilton superior courts.

SECTION 21. IC 33-33-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Jennings County constitutes the eighty-sixth judicial circuit.

(b) The Jennings circuit court has a standard small claims and misdemeanor division.

(c) The judge of the Jennings circuit court and the judge of the Jennings superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(d) A magistrate continues in office until jointly removed

by the judge of the Jennings circuit court and the judge of the Jennings superior court.

SECTION 22. IC 33-33-50-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) There are established ~~two (2)~~ **three (3)** courts of record to be known as the Marshall superior court No. 1, ~~and the Marshall superior court No. 2, and the Marshall superior court No. 3.~~

(b) The Marshall superior courts are standard superior courts as described in IC 33-29-1.

(c) Marshall County comprises the judicial district of each court.

SECTION 23. IC 33-33-50-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The Marshall superior court No. 1 has one (1) judge who shall hold sessions in the Marshall County courthouse in Plymouth. The Marshall superior court No. 2 has one (1) judge who shall hold sessions in a place in the county as the board of county commissioners may provide. **The Marshall superior court No. 3 has one (1) judge who shall hold sessions in a place in the county as the board of county commissioners may provide.**

SECTION 24. IC 35-33-8-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) As used in this section, "disposition" has the meaning set forth in section 3.2(c) of this chapter.

(b) The Indiana criminal justice institute shall collect the following data from each court exercising criminal jurisdiction in Indiana:

- (1) Of those defendants who are released on personal recognizance, the number of defendants who are rearrested before the disposition of the defendant's charges.**
- (2) Of those defendants who are released pursuant to the payment of money bail of one thousand dollars (\$1,000) or less, the number of defendants who are rearrested before the disposition of the defendant's charges.**

(c) Data collected under subsection (b) shall be compiled in such a manner to present the rearrest rate for:

- (1) the entire state;**
- (2) each county; and**
- (3) each circuit, superior, city, and town court, including each separate division of each court, if applicable.**

(d) The Indiana criminal justice institute shall, before August 1, 2021, and before August 1 of each year thereafter, submit an annual report containing the information collected under this section to the legislative council in an electronic format under IC 5-14-6. The initial report submitted by the Indiana criminal justice institute before August 1, 2021, must also include all data described in subsection (b) for the period beginning after December 31, 2019, through December 31, 2020.

SECTION 25. [EFFECTIVE JULY 1, 2020] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) The legislative council is urged to assign to the interim study committee on courts and the judiciary during the 2020

legislative interim the topic of providing mutual full faith and credit to the judgments, decrees, orders, warrants, subpoenas, and other judicial acts of a tribal court of a federally recognized Indian tribe (as defined by IC 5-33.5-2-1) that are not already given full faith and credit as required under federal law.

(Reference is to ESB 256 Digest Correction as printed February 28, 2020.)

Koch, Chair	McNamara
G. Taylor	DeLaney
Senate Conferees	House Conferees

Roll Call 362: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 299-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 299 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-34-2-1.1, AS AMENDED BY P.L.129-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.1. (a) An abortion shall not be performed except with the voluntary and informed consent of the pregnant woman upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the following conditions are met:

(1) At least eighteen (18) hours before the abortion and in the private, not group, presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has informed the pregnant woman orally and in writing of the following:

(A) The name of the physician performing the abortion, the physician's medical license number, and an emergency telephone number where the physician or the physician's designee may be contacted on a twenty-four (24) hour a day, seven (7) day a week basis.

(B) That follow-up care by the physician or the physician's designee (if the designee is licensed under IC 25-22.5) is available on an appropriate and timely basis when clinically necessary.

(C) The nature of the proposed procedure or information concerning the abortion inducing drug.

(D) Objective scientific information of the risks of and

alternatives to the procedure or the use of an abortion inducing drug, including:

- (i) the risk of infection and hemorrhage;
- (ii) the potential danger to a subsequent pregnancy; and
- (iii) the potential danger of infertility.

(E) That human physical life begins when a human ovum is fertilized by a human sperm.

(F) The probable gestational age of the fetus at the time the abortion is to be performed, including:

- (i) a picture of a fetus;
- (ii) the dimensions of a fetus; and
- (iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(G) That objective scientific information shows that a fetus can feel pain at or before twenty (20) weeks of postfertilization age.

(H) The medical risks associated with carrying the fetus to term.

(I) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(J) That the pregnancy of a child less than fifteen (15) years of age may constitute child abuse under Indiana law if the act included an adult and must be reported to the department of child services or the local law enforcement agency under IC 31-33-5.

(K) That Indiana does not allow a fetus to be aborted solely because of the fetus's race, color, national origin, ancestry, sex, or diagnosis or potential diagnosis of the fetus having Down syndrome or any other disability.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be informed orally and in writing of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of the division of family resources.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(D) That there are physical risks to the pregnant woman in having an abortion, both during the abortion procedure and after.

(E) That Indiana has enacted the safe haven law under IC 31-34-2.5.

(F) The:

- (i) Internet web site address of the state department of health's web site; and
- (ii) description of the information that will be provided on the web site and that are;

described in section 1.5 of this chapter.

(G) For the facility in which the abortion is to be performed, an emergency telephone number that is available and answered on a twenty-four (24) hour a day, seven (7) day a week basis.

(H) On a form developed by the state department and as described in IC 16-34-3, that the pregnant woman has a right to determine the final disposition of the remains of the aborted fetus.

(I) On a form developed by the state department, **information concerning the available options for disposition of that the pregnant woman has a right, after a surgical abortion, to:**

(i) **dispose of the remains of the aborted fetus by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31; or**

(ii) **have the health care facility or abortion clinic dispose of the remains of the aborted fetus by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31, and ask which method of disposition will be used by the health care facility or abortion clinic.**

(J) On a form developed by the state department:

(i) **that a pregnant woman, after an abortion induced by an abortion inducing drug, will expel an aborted fetus; and**

(ii) **the disposition policy of the health care facility or the abortion clinic concerning the disposition of the aborted fetus. The disposition policy must allow the pregnant woman to return the aborted fetus to the health care facility or abortion clinic for disposition by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31.**

(K) On a form developed by the state department, information concerning any counseling that is available to a pregnant woman after having an abortion.

The state department shall develop and distribute the forms required by clauses (H) through **(K)**.

(3) The pregnant woman certifies in writing, on a form developed by the state department, before the abortion is performed, that:

(A) the information required by subdivisions (1) and (2) has been provided to the pregnant woman;

(B) the pregnant woman has been offered by the provider the opportunity to view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible and that the woman has:

(i) viewed or refused to view the offered fetal ultrasound imaging; and

(ii) listened to or refused to listen to the offered auscultation of the fetal heart tone if the fetal heart tone is audible; and

(C) the pregnant woman has been given a written copy of the printed materials described in section 1.5 of this chapter.

(4) At least eighteen (18) hours before the abortion and in the presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice registered nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has provided the pregnant woman with a color copy of the informed consent brochure described in section 1.5 of this chapter by printing the informed consent brochure from the state department's Internet web site and including the following information on the back cover of the brochure:

(A) The name of the physician performing the abortion and the physician's medical license number.

(B) An emergency telephone number where the physician or the physician's designee may be contacted twenty-four (24) hours a day, seven (7) days a week.

(C) A statement that follow-up care by the physician or the physician's designee who is licensed under IC 25-22.5 is available on an appropriate and timely basis when clinically necessary.

(5) At least eighteen (18) hours before an abortion is performed and at the same time that the pregnant woman receives the information required by subdivision (1), the provider shall perform, and the pregnant woman shall view, the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible unless the pregnant woman certifies in writing, on a form developed by the state department, before the abortion is performed, that the pregnant woman:

(A) does not want to view the fetal ultrasound imaging; and

(B) does not want to listen to the auscultation of the fetal heart tone if the fetal heart tone is audible.

(b) This subsection applies to a pregnant woman whose unborn child has been diagnosed with a lethal fetal anomaly. The requirements of this subsection are in addition to the other requirements of this section. At least eighteen (18) hours before an abortion is performed on the pregnant woman, the physician who will perform the abortion shall:

(1) orally and in person, inform the pregnant woman of the availability of perinatal hospice services; and

(2) provide the pregnant woman copies of the perinatal hospice brochure developed by the state department under IC 16-25-4.5-4 and the list of perinatal hospice providers and programs developed under IC 16-25-4.5-5, by printing the perinatal hospice brochure and list of perinatal hospice providers from the state department's Internet web site.

(c) If a pregnant woman described in subsection (b) chooses to have an abortion rather than continuing the pregnancy in perinatal hospice care, the pregnant woman shall certify in writing, on a form developed by the state department under

IC 16-25-4.5-6, at least eighteen (18) hours before the abortion is performed, that the pregnant woman has been provided the information described in subsection (b) in the manner required by subsection (b).

SECTION 2. IC 16-34-3-2, AS AMENDED BY P.L.85-2017, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A pregnant woman who has an abortion under this article has the right to ~~determine the final disposition~~ **have the health care facility or abortion clinic dispose of the aborted fetus by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31. The pregnant woman who selects to have the health care facility or abortion clinic dispose of the aborted fetus has the right to ask which method will be used by the health care facility or abortion clinic.**

(b) After receiving the notification and information required by IC 16-34-2-1.1(a)(2)(H), ~~and IC 16-34-2-1.1(a)(2)(I), and IC 16-34-2-1.1(a)(2)(J),~~ the pregnant woman shall inform the abortion clinic or the health care facility:

(1) in writing; and

(2) on a form prescribed by the state department; of the pregnant woman's decision for final disposition of the aborted fetus ~~before the aborted fetus may be discharged from the abortion clinic or the health care facility.~~ **by cremation or interment and, in an abortion induced by an abortion inducing drug, whether the pregnant woman will return the aborted fetus to the health care facility or abortion clinic for disposition by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31.**

(c) If the pregnant woman is a minor, the abortion clinic or health care facility shall obtain parental consent in the disposition of the aborted fetus unless the minor has received a waiver of parental consent under IC 16-34-2-4.

(d) The abortion clinic or the health care facility shall document the pregnant woman's decision concerning disposition of the aborted fetus in the pregnant woman's medical record.

(e) In the case of an abortion induced by an abortion inducing drug, the pregnant woman may return the aborted fetus to the health care facility or abortion clinic for disposition by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31.

SECTION 3. IC 16-34-3-4, AS AMENDED BY P.L.213-2016, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) An abortion clinic or health care facility having possession of an aborted fetus shall provide for the final disposition of the aborted fetus. The burial transit permit requirements of IC 16-37-3 apply to the final disposition of an aborted fetus, which must be interred or cremated. However:

(1) a person is not required to designate a name for the aborted fetus on the burial transit permit and the space for a name may remain blank; and

(2) any information submitted under this section that may be used to identify the pregnant woman is confidential and must be redacted from any public records maintained under

IC 16-37-3.

Aborted fetuses may be cremated by simultaneous cremation.

(b) If the abortion clinic or health care facility conducts the cremation of aborted fetal remains on site, the abortion clinic or health care facility must comply with all state laws concerning the cremation of human remains as prescribed in IC 23-14-31. The abortion clinic or health care facility must make the onsite cremation equipment available to the state department for inspection at the time the abortion clinic or health care facility is inspected. When the abortion clinic or health care facility contracts with a licensed funeral home for the disposal of the aborted fetal remains, the contract must be made available for review by the state department at the time the abortion clinic or health care facility is inspected.

(c) Except in extraordinary circumstances where the required information is unavailable or unknown, a burial transit permit issued under IC 16-37-3 that includes multiple fetal remains must be accompanied by a log prescribed by the state department containing the following information about each fetus included under the burial transit permit:

(1) The date of the abortion.

(2) Whether the abortion was surgical or induced by an abortion inducing drug.

(3) The name of the funeral director licensee who will be retrieving the aborted fetus.

(4) In the case of an abortion induced by an abortion inducing drug:

(A) whether the pregnant woman will cremate or inter the fetus, or will return the fetus to the health care facility or abortion clinic for disposition; and

(B) if the pregnant woman returns the fetus to the health care facility or abortion clinic, whether the returned fetus is included in the burial transit permit.

The abortion clinic or health care facility must keep a copy of the burial transit permit and accompanying log in a permanent file.

(d) Each time the fetal remains are transported from one entity to another for disposition, the entity receiving the fetal remains must confirm that the number of fetal remains matches the information contained in the burial transit permit and accompanying log. After final disposition, a copy of the log will be sent back to the health care facility or abortion clinic. The final log will be attached to the original log described in subsection (c) and will be made available for review by the state department at the time of inspection.

(e) An abortion clinic or a health care facility is responsible for demonstrating to the state department that the abortion clinic or the health care facility has complied with the protocol provided in this section.

~~(b) (f) The local health officer shall issue a permit for the disposition of the aborted fetus to the person in charge of interment for the interment of the aborted fetus. A certificate of stillbirth is not required to be issued for an aborted fetus with a gestational age of less than twenty (20) weeks of age.~~

~~(g)~~ **(g) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and IC 29-2-19-17 concerning the authorization of disposition of human remains apply to this section.**

(Reference is to ESB 299 as reprinted February 25, 2020.)

L. Brown, Chair	Stutzman
Kruse	Bacon
Senate Conferees	House Conferees

Roll Call 363: yeas 39, nays 10. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 346-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 346 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-19-2-2.2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.2. (a) Beginning June 1, 2015, the state board consists of the following members:

- (1) The state superintendent.
- (2) Eight (8) members appointed by the governor. The following provisions apply to members of the state board appointed under this subdivision:

(A) At least six (6) members appointed under this subdivision must have professional experience in the field of education as provided in subsection (b).

(B) Members shall be appointed from different parts of Indiana with not more than one (1) member being appointed from a particular congressional district.

(C) Not more than five (5) members of the state board may be appointed from the membership of any one (1) political party.

(D) Subject to subsection (h), at least one (1) member shall be a practicing licensed special education teacher or special education director at the time the member is appointed.

- (3) One (1) member, who is not a member of the general assembly, appointed by the speaker of the house of representatives.

- (4) One (1) member, who is not a member of the general assembly, appointed by the president pro tempore of the senate.

(b) For purposes of subsection (a), an individual is considered to have professional experience in the field of education if the individual has teaching or leadership experience at a postsecondary educational institution or is currently employed as, or is retired from a position as:

- (1) a teacher;
- (2) a principal;
- (3) an assistant superintendent; or
- (4) a superintendent.

- (c) A quorum consists of six (6) members of the state board.

An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) ~~Subject to subsection (e);~~ The members of the state board shall elect a chairperson and vice chairperson annually from the members of the state board. The vice chairperson shall act as chairperson in the absence of the chairperson.

(e) ~~Notwithstanding subsection (d), the state superintendent shall serve as the chairperson of the state board until a chairperson is elected under subsection (d) at the first meeting of the state board after December 31, 2016, which shall be held not later than January 15, 2017. A vice chairperson shall be elected at the first meeting of the state board after June 30, 2015, which shall be held not later than August 1, 2015. This subsection expires July 1, 2018.~~

~~(f)~~ (e) Except as otherwise provided in subsection ~~(g)~~; (f), each member appointed under subsection (a)(2) through (a)(4) serves a four (4) year term. The term begins on July 1.

~~(g)~~ (f) A member appointed under subsection (a)(2) through (a)(4) may be removed from the state board by the member's appointing authority for just cause. Vacancies in the appointments to the state board shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

~~(h)~~ (g) The state board shall meet at a minimum at least one (1) time each month. The state board shall establish the date of the next monthly meeting during the monthly meeting of the state board. In addition to the monthly meeting required under this subsection, the state board shall meet at the call of the chairperson.

(h) This subsection expires July 1, 2024. The governor shall appoint a member who has the qualifications described in subsection (a)(2)(D) for the first appointment made by the governor to fill a vacancy on the state board after March 31, 2020.

SECTION 2. IC 20-19-9.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 9.1. Indiana Standards and Assessment Accommodation Task Force

Sec. 1. As used in this chapter, "task force" refers to the Indiana standards and assessment accommodation task force established by section 2 of this chapter.

Sec. 2. (a) The Indiana standards and assessment accommodation task force is established. The task force shall review:

- (1) the accommodations provided for by Indiana's statewide assessment to determine if appropriate accommodations are available to accurately measure a student's learning; and
- (2) Indiana's English and language arts academic standards to explore the possibility of separating the academic standard of reading comprehension into a separate reading academic standard and a comprehension academic standard.

On or before November 1, 2020, the task force shall issue a final report and shall make recommendations to the general assembly in an electronic format under IC 5-14-6.

- (b) The task force consists of fourteen (14) members as

follows:

- (1) One (1) member of the majority party of the house of representatives appointed by the speaker of the house of representatives.
 - (2) One (1) member of the majority party of the senate appointed by the president pro tempore of the senate.
 - (3) One (1) member of the minority party of the house of representatives appointed by the speaker of the house of representatives in consultation with the minority floor leader of the house of representatives.
 - (4) One (1) member of the minority party of the senate appointed by the president pro tempore of the senate in consultation with the minority floor leader of the senate.
 - (5) The member of the state board described in IC 20-19-2-2.2(a)(3).
 - (6) The member of the state board described in IC 20-19-2-2.2(a)(4).
 - (7) One (1) member representing The Arc of Indiana appointed by The Arc of Indiana.
 - (8) One (1) member who is an assessment expert with experience in special education assessments appointed by The Arc of Indiana.
 - (9) One (1) member representing Decoding Dyslexia Indiana appointed by Decoding Dyslexia Indiana.
 - (10) One (1) member who is a special education administrator appointed by the Indiana Council of Administrators of Special Education (ICASE).
 - (11) One (1) member who is a special education teacher jointly appointed by the co-chairs of the task force.
 - (12) One (1) member who is an assessment expert appointed by the state board.
 - (13) The department's director of curriculum and instruction.
 - (14) One (1) member representing the department's office of student assessment appointed by the department.
- (c) The members described in subsection (b)(1) and (b)(2) shall serve as co-chairpersons for the task force. The task force shall meet at the call of the co-chairpersons.
- (d) A quorum consists of the majority of the members of the task force.
- (e) The affirmative votes of a majority of the members of the task force are required for the task force to take action on any measure.
- Sec. 3. (a)** A member of the task force who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
- (b)** A member of the task force who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in

connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) A member of the task force who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from current appropriations made to the legislative council or the legislative services agency.

Sec. 4. The legislative services agency shall staff the task force.

Sec. 5. This chapter expires July 1, 2021.

SECTION 3. IC 20-32-5.1-6, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The state board shall:

(1) authorize and oversee the department's development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program, including:

- (A) establishment of criteria for requests for proposals for statewide assessments developed or authorized under this chapter;
- (B) establishment of criteria for membership of evaluation teams; and
- (C) establishment of criteria for content and format of the statewide assessment; and

(2) require the department to conduct ongoing analysis of whether the statewide assessment results are predictive of success in college and career training programs.

(b) The passing scores on a statewide assessment must be determined by statistically valid and reliable methods as determined by independent experts selected by the state board.

(c) The state board, in consultation with The Arc of Indiana and Indiana Council of Administrators of Special Education (ICASE), shall select one (1) or more individuals who specialize in special education who shall, in turn, be consulted with by the state board as part of the state board's oversight of the development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

(d) The state superintendent, with the approval of the state board, is responsible for the development, implementation, and monitoring of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

(e) The department shall prepare detailed design specifications for the statewide assessment developed under this chapter that must do the following:

- (1) Take into account the academic standards adopted under IC 20-31-3.
- (2) Include testing of students' higher level cognitive thinking in each subject area tested.

(f) A statewide assessment described in section 7 of this chapter may be in a form that allows the department and the state board, to the extent possible, to compare the proficiency of Indiana students to the proficiency of students in other states. A

statewide assessment may consist of original test items for Indiana's exclusive use if the state board determines that:

- (1) developing original test items for Indiana's exclusive use will result in cost savings; or
- (2) it would be impractical to develop a statewide assessment adequately aligned to Indiana's academic standards without including original test items developed for Indiana's exclusive use.

SECTION 4. IC 20-32-5.1-18.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.4. Notwithstanding any other law, a student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.**

SECTION 5. IC 20-32-5.1-18.5, AS ADDED BY P.L.287-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.5. (a) The department shall, make every reasonable attempt to the extent permitted under federal law, provide the same voice-to-text; text-to-speech, screen reader, or human reader and calculator accommodations to a particular student in grades 6 through 12 on every section of the statewide assessment program as if that accommodation is provided as part of the student's:**

- (1) individualized education program;
- (2) service plan developed under 511 IAC 7-34; ~~or~~
- (3) choice ~~scholarship~~ **special** education plan developed under 511 IAC 7-49; or
- (4) **plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794.**

(b) **The department must submit any guidance or recommendations the department plans to distribute to a school corporation or school that attempts to affect in any manner based on statewide assessment accommodations which instructional methods are included or excluded from a program or plan described in subsection (a) to the state board for approval.**

~~(b)~~ (c) This subsection expires January 1, 2020. The state board shall provide a report to the legislative council in an electronic format under IC 5-14-6, explaining in detail the extent that:

- (1) individualized education programs;
- (2) service plans developed under 511 IAC 7-34; or
- (3) choice ~~scholarship~~ **special** education plans developed under 511 IAC 7-49;

were altered to align to the statewide assessment program.

SECTION 6. IC 20-32-5.1-18.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.8. (a) As used in this section, "school" means the following:**

- (1) **A school maintained by a school corporation.**
- (2) **A charter school.**
- (3) **An accredited nonpublic school.**

(b) **The department, in consultation with The Arc of Indiana and the Indiana Council of Administrators of Special Education (ICASE), shall develop a notice for a parent of a student who:**

- (1) **is enrolled in grade 3, 4, or 5; and**

(2) **has an accommodation that:**

(A) **is provided as part of the student's:**

- (i) **individualized education program;**
- (ii) **service plan developed under 511 IAC 7-34;**
- (iii) **choice special education plan developed under 511 IAC 7-49; or**
- (iv) **plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794; and**

(B) **the student is not allowed to use on all or part of the statewide assessment.**

(c) **The notice developed under subsection (b) must inform the parent of a student described in subsection (b) that the student is not allowed to use the accommodation described in subsection (b)(2) on all or part of the statewide assessment.**

(d) **The department shall distribute a copy of the notice to each school.**

(e) **Not later than February 1, 2021, and not later than February 1, 2022, each school shall do the following:**

(1) **Provide the notice developed under subsection (b) to a parent of a student described in subsection (b) at the annual review of the student's:**

- (A) **individualized education program;**
- (B) **service plan developed under 511 IAC 7-34;**
- (C) **choice special education plan developed under 511 IAC 7-49; or**
- (D) **plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794.**

If a parent does not attend the annual review, the school shall provide a copy of the notice to the parent by certified mail or personal delivery.

(2) **Discuss and determine, at the annual review described in subdivision (1) in which a parent of the student participates, whether the student may be eligible to opt out of any applicable section of the statewide assessment.**

(f) **This section expires July 1, 2022.**

SECTION 7. **An emergency is declared for this act.**

(Reference is to ESB 346 as reprinted February 28, 2020.)

Houchin, Chair	Behning
Stoops	DeLaney
Senate Conferees	House Conferees

Roll Call 364: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 438-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 438 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 15-16-4-3, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "adulterated" refers to a pesticide or pesticide product if:

- (1) the strength or purity of the pesticide ~~falls below~~ **does not meet** the professed standard or quality as expressed on its labeling under which it is sold;
- (2) any substance has been substituted wholly or in part for the pesticide product; or
- (3) any valuable constituent of the pesticide product has been wholly or in part removed.

SECTION 2. IC 15-16-4-10, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. As used in this chapter, "device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating ~~insects or rodents or destroying, repelling, or mitigating~~ any pest. The term does not include:

- (1) equipment used for the application of pesticides when sold separately from the pesticides;
- (2) firearms; or
- (3) simple mechanical devices, including barriers, traps, or adhesives, or other simple contrivances that are not subject to this chapter as determined by the pesticide review board.

SECTION 3. IC 15-16-4-14, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. As used in this chapter, "fungi" means ~~all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of a lower order than mosses and liverworts); including:~~

- (1) ~~rusts;~~
- (2) ~~smuts;~~
- (3) ~~mildews;~~
- (4) ~~molds;~~
- (5) ~~yeasts;~~
- (6) ~~bacteria; and~~
- (7) ~~viruses;~~

~~except those on or in a living human or other animal. "fungus" has the meaning set forth in IC 15-16-5-14.~~

SECTION 4. IC 15-16-4-18, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. As used in this chapter, "immediate container" means the part of a container that is in direct contact with a pesticide. ~~product. In the case of a pesticide product that is a device, the term includes the device itself.~~

SECTION 5. IC 15-16-4-28, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. As used in this chapter, "person" means: any:

- (1) **an** individual;
- (2) **a** partnership;
- (3) **an** association;
- (4) **a** fiduciary;
- (5) **a** corporation; or
- (6) **an** organized group of persons;

whether incorporated or not.

SECTION 6. IC 15-16-4-34, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. As used in this chapter, "plant regulator" means any substance or mixture of substances, intended through physiological action, for:

- (1) accelerating or retarding the rate of growth or rate of maturation; or
- (2) altering the behavior of ornamental or crop plants or the produce of ornamental or crop plants.

The term does not include substances ~~to the extent they that~~ are intended **solely** as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

SECTION 7. IC 15-16-4-56, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 56. For more than one (1) pesticide product to be considered the same pesticide product, each pesticide product must exhibit the same:

- (1) product name;
- (2) registrant name;
- (3) United States Environmental Protection Agency registration number, **and if applicable;**
- (4) labeling, **claims, and branding; and**
- (5) **ingredient statement.**

SECTION 8. IC 15-16-4-61, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 61. (a) Each pesticide product that is:

- (1) produced, distributed, sold, displayed, or offered for sale within Indiana; or
- (2) delivered for transportation or transported:
 - (A) in intrastate commerce; or
 - (B) between points within Indiana through any point outside Indiana;

must be registered in the office of the state chemist.

(b) The application for registration must be made on a form provided by the state chemist that includes the following information:

- (1) The name and address of the:
 - (A) applicant; and
 - (B) person whose name will appear on the label, if a person other than the applicant.
- (2) The complete brand name of the pesticide **product.**
- (3) A complete copy of the labeling accompanying the pesticide **product.**
- (4) ~~A statement of all claims to be made for it, including directions for use:~~
- (5) ~~If requested by the state chemist, a full description of the tests made and the results of the tests upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information that is different from that furnished when the pesticide was registered or last reregistered.~~

SECTION 9. IC 15-16-4-62, AS AMENDED BY P.L.99-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 62. (a) Each registrant shall pay an annual, nonrefundable **application** fee of

one hundred seventy dollars (\$170) for each application for each pesticide product submitted for registration **or reregistration.**

(b) Each registration expires January 1 of each year.

(c) All fees collected by the state chemist under this chapter shall be paid to the treasurer of Purdue University, who shall deposit the fees in a special restricted account designated by the treasurer of the board of trustees of Purdue University.

(d) From the account described in subsection (c), the treasurer shall pay all expenses incurred in administering this chapter, including expenses for the following:

(1) The employment of:

- (A) inspectors;
- (B) investigators;
- (C) researchers;
- (D) analysts;
- (E) administrators; and
- (F) clerical and service staff.

(2) Expenses in procuring samples and printing results of inspections.

(3) Purchasing:

- (A) supplies;
- (B) equipment; and
- (C) services.

(4) Necessary remodeling.

(5) Other expenses of the office of the state chemist.

(6) The transfer of ten dollars (\$10) from each fee paid under subsection (a) on an annual basis to the office of Purdue pesticide programs to provide education about the safe and effective use of pesticides.

The treasurer is not required to use any other funds, except those collected as registration fees, to pay any expenses incurred in the administration of this chapter. The dean of agriculture shall make an annual financial report to the governor showing total receipts and expenditures of all fees received under this chapter.

(e) A registrant who registers or pays an annual fee after December 31 of any year shall pay a late fee of one hundred seventy dollars (\$170) as well as the annual fee.

(f) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

SECTION 10. IC 15-16-4-64, AS ADDED BY P.L.120-2008, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 64. (a) The state chemist ~~shall~~ **may** require the submission of the complete formula of any pesticide product, including: ~~the:~~

- (1) ~~the~~ **the** confidential statement of formula;
- (2) ~~the~~ **the** analytical methods for the analysis of the pesticide formulation and the analysis of residues of the pesticide product in environmental media; ~~and~~
- (3) ~~the~~ **the** analytical standards of the pesticide product;
- (4) ~~the~~ **the** safety data sheet;
- (5) ~~the~~ **the** physical sample of the pesticide product; and
- (6) ~~a~~ **a** statement of all claims to be made for the pesticide product, including a full description of the tests made and the results of the tests upon which the claims are based.

In the case of a federally registered product, this requirement may be waived.

(b) The state chemist shall register a pesticide product if:

(1) the state chemist determines that the composition of the pesticide product warrants the proposed claims for the pesticide product;

(2) the pesticide product, its labeling, and other material required to be submitted comply with the requirements of section 61 of this chapter; and

(3) the state chemist determines that the person submitting the application for registration has complied with the requirements of this chapter, **including satisfying all outstanding judgments resulting from a violation of this chapter, after any action has been finalized under section 64.5 of this chapter.**

(c) The state chemist shall notify the applicant that the pesticide product, labeling, or other material required to be submitted fails to comply with the law if the state chemist determines:

- (1) that the proposed claims for the pesticide product; or
- (2) the pesticide product, its labeling, and other material required to be submitted;

does not comply with this chapter, **including satisfying all outstanding judgments resulting from a violation of this chapter, after any action has been finalized under section 64.5 of this chapter.**

(d) If the state chemist notifies an applicant under subsection (c), the state chemist shall give the applicant an opportunity to make the necessary corrections. If upon receipt of notice, the applicant does not make the corrections, the state chemist may refuse to register the pesticide product.

(e) The state chemist, in accordance with the procedures specified in this section, may deny, suspend, or cancel the registration of a pesticide whenever the state chemist determines that:

- (1) the pesticide product;
- (2) the pesticide product's labeling; or
- (3) the person submitting the application for registration of the pesticide product;

does not comply with this chapter, **including satisfying all outstanding judgments resulting from a violation of this chapter, after any action has been finalized under section 64.5 of this chapter.**

(f) If:

- (1) an application for registration is refused; or
- (2) the state chemist proposes to deny, suspend, or cancel a registration;

notice of the action and information concerning the person's right to obtain a review under section 64.5 of this chapter must be given to the applicant or registrant.

SECTION 11. IC 15-16-4-69, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 69. (a) Subject to this section, if a person violates this chapter or a rule adopted under this chapter, the state chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on the person or:

- (1) deny;
- (2) suspend;
- (3) revoke; or
- (4) amend;

the person's registration under this chapter.

(b) The state chemist may impose civil penalties **under this section** only in accordance with the schedule of civil penalties adopted by the board. The board shall establish a schedule of the civil penalties that may be imposed under subsection (a) by rule adopted under IC 4-22-2. The rule adopted under this subsection may not provide for a civil penalty that exceeds the following:

- (1) Two hundred fifty dollars (\$250) for a person's first violation.
- (2) Five hundred dollars (\$500) for a person's second violation.
- (3) One thousand dollars (\$1,000) for a person's third violation and each subsequent violation.

~~(e) If a violation is of a continuing nature, the state chemist may impose a civil penalty for each day that the violation occurred.~~

~~(d)~~ (c) A proceeding under IC 4-21.5-3 that involves the imposition of a civil penalty may be consolidated with any other proceeding commenced under IC 4-21.5 to enforce this chapter or the rules adopted under this chapter.

~~(e)~~ (d) Money collected for civil penalties imposed under this section shall be credited to the office of Purdue pesticide programs. The money may be used only to provide education about pesticides.

SECTION 12. IC 15-16-4-73, AS ADDED BY P.L.120-2008, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 73. (a) Except as provided in subsection (f), if the state chemist:

- (1) finds any pesticide product:
 - (A) upon any premises; or
 - (B) in any means of conveyance;
 where it is held for purposes of, or during or after, distribution or sale; and
- (2) determines that the pesticide product:
 - (A) is in violation of this chapter; or
 - (B) has been or is intended to be:
 - (i) distributed;
 - (ii) sold; or
 - (iii) used;

in violation of this chapter;

the state chemist may issue an order under subsection (b).

(b) The state chemist may issue a written or printed:

- (1) stop sale;
- (2) use; or
- (3) removal;

order to the owner or custodian of a pesticide product.

(c) Except as provided in subsection (d), after receiving an order under subsection (b), the owner or custodian of a pesticide product may not:

- (1) sell;
- (2) use; or
- (3) remove;

the pesticide product described in the order.

(d) The owner or custodian of a pesticide product who receives an order under subsection (b) may:

- (1) sell;
- (2) use; or
- (3) remove;

the pesticide product only in accordance with the order or until the pesticide product is released in writing by the state chemist or by order of a court.

(e) When a stop sale order is issued under subsection (b), the state chemist shall ~~immediately~~ issue a notification to the dealer or registrant of the pesticide product **within thirty (30) days** that states the following:

- (1) A stop sale order has been issued on the pesticide product.
- (2) A reference to the specific language of the law or rule that is believed to have been violated.

(f) Labels of pesticide devices may be submitted to the state chemist for ~~approval~~ **evaluation of the need for registration under this chapter** before the sale of the pesticide device.

SECTION 13. IC 15-16-5-7, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. As used in this chapter, "commercial applicator" means a certified applicator, whether or not a private applicator with respect to some uses, who uses or supervises the use of ~~pesticides~~ **pesticide products** for any purpose or on any property other than as provided by section 30 of this chapter.

SECTION 14. IC 15-16-5-10, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. As used in this chapter, "device" ~~means any instrument or contrivance, other than a firearm, that is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life other than bacteria, viruses, or other microorganisms on or in living humans or other living animals. The term does not include equipment used for the application of pesticides when sold separately from the pesticides.~~ **has the meaning set forth in IC 15-16-4-10.**

SECTION 15. IC 15-16-5-16, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. As used in this chapter, "licensed applicator for hire" means any licensed certified commercial applicator who is employed by a licensed pesticide business to use or to supervise the use of any pesticide **product** on the property of another and who has assumed direct responsibility for the use or supervision of the use of ~~pesticides~~ **pesticide products** by the business.

SECTION 16. IC 15-16-5-19, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. As used in this chapter, "licensed pesticide business" means any licensed person that owns, operates, or manages a business that is engaged in or professes to be engaged in:

- (1) using any pesticide **product**, including restricted use pesticides; or
- (2) making diagnostic inspections or reports to determine infestations of wood destroying pests.

SECTION 17. IC 15-16-5-29, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. As used in this chapter, "plant regulator" ~~means any substance or mixture of substances intended, through physiological action, for:~~

(1) accelerating or retarding the rate of growth or rate of maturation; or

(2) altering the behavior of plants or the produce of plants.

The term does not include substances to the extent they are intended as plant nutrients; trace elements; nutritional chemicals; plant inoculants; or soil amendments. **has the meaning set forth in IC 15-16-4-34.**

SECTION 18. IC 15-16-5-34, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. As used in this chapter, "restricted use pesticide" means:

(1) any pesticide classified as restricted by the administrator of the United States Environmental Protection Agency; or

(2) a pesticide that the board has determined to be unduly hazardous to persons; animals; plants; wildlife; waters; or lands other than the pests the pesticide is intended to prevent; destroy; control; or mitigate.

has the meaning set forth in IC 15-16-4-37.

SECTION 19. IC 15-16-5-39.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 39.6. The board shall establish a working group to review civil penalties. Before December 1, 2020, the working group shall make recommendations concerning civil penalties to the:**

(1) board; and

(2) general assembly in an electronic format under IC 5-14-6.

SECTION 20. IC 15-16-5-45, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) The state chemist shall adopt rules to establish categories and qualifications to certify and license persons to use pesticides and to make diagnostic inspections and reports for wood destroying pests under this chapter. Each category is subject to separate testing procedures and requirements. A person is not required to pay an additional license fee if the person desires to be licensed in more than one (1) of the license categories provided for by the state chemist under this section.

(b) The state chemist, in adopting rules under this section, shall establish **examination content and** standards for the certification of persons who use pesticides or who make diagnostic inspections and reports for wood destroying pests. The **examination content and** standards must relate to the following:

(1) **The hazards involved in the use and handling of pesticides, or to the use and handling of the pesticide or class of pesticides covered by the individual's certification.**

(2) **The job responsibilities of the individual using pesticides that are covered by the individual's certification.**

(3) **Any relevant information addressed in 40 CFR Part 171.**

and must be relative to the hazards involved. In determining standards, the state chemist shall consider the characteristics of the pesticide formulation, including the acute dermal and inhalation toxicity, the persistence, mobility, and susceptibility to biological concentration; the use experience that may reflect

an inherent misuse or an unexpected good safety record that does not always follow laboratory toxicological information; the relative hazards of patterns of use, including granular soil applications, ultra-low volume or dust aerial applications; or air blast sprayer applications; and the extent of the intended use. The state chemist shall observe the relevant regulations of Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.).

(c) The state chemist may require a person certified under this chapter as a commercial applicator or a private applicator to renew the person's certification, under requirements and standards established by the state chemist, to assure that the person maintains a level of competence and ability to use pesticides safely and properly.

(d) An individual who is certified and licensed under this chapter must be at least eighteen (18) years of age, as proven by a valid government issued identification or an equivalent form of identification.

SECTION 21. IC 15-16-5-47, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 47. (a) A license issued under this chapter is not transferable except in the event of disability or death of the licensee. The state chemist may transfer a license **to an individual who is a certified applicator** by issuing a temporary permit to provide for the operation of the business until the expiration of the permanent license.

(b) A ~~certificate~~ **certification** issued under this chapter is not transferable.

SECTION 22. IC 15-16-5-48, AS ADDED BY P.L.120-2008, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 48. (a) Subject to section 55 of this chapter, a person may not engage in or profess to engage in the business of:

(1) using a pesticide; or

(2) making diagnostic inspections or reports to determine infestations of wood destroying pests;

on the property of another for hire at any time without a pesticide business license issued by the state chemist. The state chemist shall require an annual license fee of forty-five dollars (\$45) for each pesticide business license that is issued.

(b) A pesticide business license must be obtained for each **unique business location or business name** from which pesticide use or application is conducted.

(c) The application for a license must be on a form provided by the state chemist. Each application must contain information necessary for the administration of this chapter.

(d) The state chemist may not issue a pesticide business license until the applicant or a pesticide applicator in the applicant's hire who uses or supervises the use of a pesticide on the property of another is certified by passing an examination to demonstrate to the state chemist the applicant's or applicator's knowledge of the:

(1) use of pesticides under the category for which the applicant or applicator has applied; and

(2) nature and effect of pesticides the applicant or applicator may apply under the categories.

At least one (1) licensed applicator for hire must be associated with each location from which pesticides are used for hire.

(e) The state chemist may renew any pesticide business license.

(f) Subject to subsections (a), (b), (c), and (d) and section 65 of this chapter, if:

- (1) the state chemist finds the applicant qualified to engage in the business of using pesticides or making diagnostic inspections or reports to determine infestations of wood destroying pests on the property of another;
- (2) the applicant files evidence of financial responsibility required under section 58 of this chapter; and
- (3) the applicant applying for a license involving aerial application of pesticides has met all of the requirements of:
 - (A) the Federal Aviation Administration;
 - (B) the Indiana department of transportation; and
 - (C) any other applicable federal or state statutes or regulations to operate the equipment described in the application;

the state chemist may issue a pesticide business license limited to the categories for which the applicant or a pesticide applicator in the applicant's hire is qualified. The license expires January 1 of the year following issue unless it has been invalidated, revoked, or suspended earlier by the state chemist. A surety bond or certificate of liability insurance in force or certificate of financial responsibility required under section 58 of this chapter must be maintained and in effect on a continuing basis.

(g) The state chemist may limit a license or the operation of a business to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified.

(h) If a license is not issued as applied for, the state chemist shall inform the applicant in writing of the reasons the license was not issued.

SECTION 23. IC 15-16-5-55, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 55. Section 48 of this chapter relating to **pesticide business** licenses and requirements for their issuance does not apply to the following:

- (1) A farmer who applies pesticides for the farmer's own use or with ground equipment or manually for the farmer's neighbors if:
 - (A) the farmer operates farm property and operates and maintains pesticide application equipment primarily for the farmer's own use;
 - (B) the farmer is not engaged in the business of applying pesticides for hire and the farmer does not publicly profess to be a pesticide business;
 - (C) the farmer operates the farmer's pesticide application equipment only in the vicinity of the farmer's own property and for the accommodation of the farmer's neighbors **without any compensation**; and
 - (D) the farmer is certified as a private applicator if the farmer uses restricted use pesticides.
- (2) A veterinarian who uses pesticides as an incidental part of the veterinarian's practice, if the veterinarian is not regularly engaged in or does not profess to be engaged in the business of using pesticides for hire.
- (3) Research personnel applying **general use** pesticides only to bona fide experimental plots.

(4) A person who uses nonrestricted general use pesticides for purposes of disinfecting or sanitizing, unless a license is required by a rule established by the board.

SECTION 24. IC 15-16-5-59, AS ADDED BY P.L.120-2008, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 59. (a) Commercial applicators, **private applicators**, and licensed pest inspectors shall maintain records concerning:

- (1) the application of restricted use pesticides;
- (2) the application of pesticides for hire;**
- (3) the application of pesticides on golf courses;**
- (4) the application of pesticides on school property;**
- ~~(2)~~ **(5)** diagnostic inspections to determine infestations of wood destroying pests; and
- ~~(3)~~ **(6)** any relevant information that the state chemist determines by rule is necessary for purposes of this chapter.

~~(b) The state chemist may require certified applicators to maintain records related to applications of state restricted pesticide uses:~~

- ~~(c)~~ **(b)** Records required under this section must be kept for:
 - (1) two (2) years after the date of the inspection or the application of the pesticide; or
 - (2) the time specified by rule.

~~(d) (c) The state chemist shall be provided access to the records by the commercial applicator or licensed pest inspector required to be maintained under this section.~~

SECTION 25. IC 15-16-5-65, AS AMENDED BY P.L.99-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 65. Subject to section 66 of this chapter, the state chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on a person for a violation under this chapter. The state chemist may also deny, suspend, revoke, or modify any provision of any license, permit, registration, or certification issued under this chapter if the state chemist finds that the applicant or the holder of a license, permit, registration, or certification has committed any of the following acts, each of which is a violation of this chapter:

- (1) Made false or fraudulent claims either verbally or through any media misrepresenting the effect of pesticide products or methods to be used.
- (2) Recommended, used, or supervised the use of any registered pesticide product in a manner inconsistent with its labeling approved by the United States Environmental Protection Agency or Indiana state registration for that pesticide, or in violation of the United States Environmental Protection Agency or Indiana state restrictions on the use of that pesticide product.
- (3) Used known ineffective or improper pesticide products or known ineffective amounts of pesticides.
- (4) Operated faulty or unsafe equipment.
- (5) Operated in a careless or negligent manner.
- (6) Neglected or, after notice, refused to comply with this chapter, the rules adopted under this chapter, or of any lawful order of the state chemist or the board.
- (7) Refused or neglected to:
 - (A) keep and maintain the records required by this

chapter; or

(B) make reports and supply information when required or requested by the state chemist in the course of an investigation or inspection.

(8) Made false or fraudulent records, invoices, or reports.
(9) Engaged in or professed to be engaged in the business of:

(A) using a pesticide or any other product regulated under this chapter or by rules adopted under this chapter; or

(B) making a diagnostic inspection to determine infestations of a wood destroying pest;

for hire on the property of another without having a business license issued by the state chemist.

(10) Used ~~a restricted use or supervised the use of a pesticide product that is required to be used under this chapter by a person who is certified, licensed, or permitted~~ without having ~~an applicator; a person who is certified, licensed, or permitted~~ under this chapter ~~in direct supervision; conducting the use.~~

(11) Used fraud or misrepresentation in ~~making an application~~ **the qualification or application** for, or renewal of, a license, permit, registration, or certification.

(12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit, registration, or certification.

(13) Aided or abetted a person to evade this chapter, conspired with a person to evade this chapter, or allowed a license, permit, registration, or certification to be used by another person.

(14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests.

(15) Impersonated any federal, state, county, or city inspector, investigator, or official.

(16) Knowingly purchased or used a pesticide product that was not registered under IC 15-16-4.

(17) Failed to continuously maintain financial responsibility required under section 58 of this chapter or to provide proof of financial responsibility to the state chemist when requested.

(18) Intentionally altered a duly issued license, permit, registration, or certification.

(19) Recklessly, knowingly, or intentionally impeded or prevented the state chemist or the state chemist's agent from performing a duty of the state chemist.

SECTION 26. IC 15-16-5-66, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 66. (a) The state chemist may impose civil penalties **under this section** only in accordance with the schedule of civil penalties adopted by the board.

(b) The board shall establish a schedule of civil penalties that may be imposed under section 65 of this chapter by rule adopted under IC 4-22-2. The rule adopted under this subsection may not provide for a civil penalty that exceeds the following:

(1) For a violation committed by a person who is required to be certified as a private applicator, one hundred dollars (\$100).

(2) For a violation by a person who is not described in

subdivision (1), the following:

(A) Two hundred fifty dollars (\$250) for a person's first violation.

(B) Five hundred dollars (\$500) for a person's second violation.

(C) One thousand dollars (\$1,000) for a person's third violation and each subsequent violation.

~~(e) If a violation is of a continuing nature, the state chemist may impose a civil penalty for each day that the violation occurred.~~

~~(d) (c)~~ A proceeding under IC 4-21.5-3 that involves a civil penalty may be consolidated with any other proceeding commenced under IC 4-21.5 to enforce this chapter or the rules adopted under this chapter.

~~(e) (d)~~ Money collected for civil penalties imposed under section 65 of this chapter shall be credited to the office of Purdue pesticide programs. The money may be used only to provide education about pesticides.

SECTION 27. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "policy" refers to the FY 2019 pesticide enforcement response policy developed by the state chemist.**

(b) The state chemist shall suspend its enforcement of the policy.

(c) This SECTION expires July 1, 2021.

SECTION 28. **An emergency is declared for this act.**

(Reference is to ESB 438 as printed February 21, 2020.)

Leising, Chair

Lehe

Lanane

Wright

Senate Conferees

House Conferees

Roll Call 365: yeas 48, nays 1. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1014-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1014 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-37-7-8, AS ADDED BY P.L.167-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The chief executive officer of the corporation may enter into a memorandum of understanding with one (1) or more nonprofit organizations that are recognized supporters of a specific state historic site and are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The memorandum of understanding may provide that the nonprofit organization or organizations may maintain a gift shop and offer special events

at the state historic site.

(b) A memorandum of understanding entered into under this section may not do any of the following to restrict the fundraising activities of an organization described in subsection (a):

- (1) Require the organization to deposit into the fund the proceeds of a fundraising activity approved by the chief executive officer.
- (2) Require the organization to send money donated to the organization to the corporation.
- (3) Require the approval of the chief executive officer, or the chief executive officer's designee, before the organization pursues general donations from individuals and other entities.
- (4) Restrict, regulate, or limit the ability of the organization to hold offsite fundraising programs or activities.
- (5) Restrict, regulate, or limit the ability of the organization to promote or advertise any onsite or offsite fundraising programs or activities on social media, via electronic mail, on an Internet web site, or by any other means.

(c) A memorandum of understanding entered into under this section may not do any of the following:

- (1) Require the organization to be any type of supporting organization (as the term is used in the Internal Revenue Code).
- (2) Require a representative of the corporation to be a voting or nonvoting member of the organization's board of directors.
- (3) Require the organization to submit to the corporation any organization documents, correspondence, electronic mail, or other data that are not required to be submitted by the Internal Revenue Service.
- (4) Require the organization to submit an audit of the organization's funds.
- (5) Restrict, regulate, or otherwise limit the ability of the organization to promote any onsite or offsite activities.
- (6) Allow the corporation to take a nonprofit organization's real or financial assets.
- (7) Require the organization to pay any rental or other fee to support an event at a state historic site that is sponsored by the organization or the corporation.

(d) The corporation shall return to the organization any funds raised by the organization and donated to the corporation that:

- (1) are designated as donor restricted funds for a specific use in a historic site project; and
- (2) are not used for the donor's specified use in the historic site project;

upon the completion of the historic site project.

SECTION 2. An emergency is declared for this act.

(Reference is to EHB 1014 as printed February 18, 2020.)

Lehe, Chair	Gaskill
Klinker	Buck
House Conferees	Senate Conferees

Roll Call 366: yeas 44, nays 5. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1022-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1022 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert:

SECTION 1. IC 35-31.5-2-132.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 132.7. "Financial transaction", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-0.5.**

SECTION 2. IC 35-31.5-2-257.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 257.5. "Public monument", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.5.**

SECTION 3. IC 35-45-17-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. As used in this chapter, "financial transaction" means any exchange of currency by cash, note, or credit card or through a wireless portal that is received by:**

- (1) a business;
- (2) a parking meter or parking pay station on a street or another public place;
- (3) a public parking garage or parking lot pay station;
- (4) a facility or pay station operated by a public transportation authority; or
- (5) a restaurant or the service area of an outdoor seating establishment.

SECTION 4. IC 35-45-17-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. As used in this chapter, "public monument" means a building, structure, or site that is of historical importance or interest that is preserved as public property.**

SECTION 5. IC 35-45-17-2, AS ADDED BY P.L.140-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2. A person who knowingly or intentionally does any of the following commits panhandling, a Class C misdemeanor:**

(1) Panhandling after sunset and before sunrise;

(2) (1) Panhandling when the individual being solicited is:

(A) at a bus stop;

(B) in a:

(i) vehicle; or

(ii) facility;

used for public transportation;

(C) in a motor vehicle that is parked or stopped on a

public street or alley, unless the person soliciting the individual has the approval to do so by a unit of local government that has jurisdiction over the public street or alley;

(D) in the sidewalk dining area of a restaurant; ~~or~~

(E) within ~~twenty (20)~~ **fifty (50)** feet of:

(i) an automated teller machine; ~~or~~

(ii) the entrance ~~or exit~~ to a bank, **business, or restaurant; or**

(iii) the location where a financial transaction occurs; or

(F) within fifty (50) feet of a public monument.

~~(3)~~ (2) Panhandling while touching the individual being solicited without the solicited individual's consent.

~~(4)~~ (3) Panhandling while the individual being solicited is standing in line and waiting to be admitted to a commercial establishment.

~~(5)~~ (4) Panhandling while blocking:

(A) the path of the individual being solicited; or

(B) the entrance to a building or motor vehicle.

~~(6)~~ (5) Panhandling while using profane or abusive language:

(A) during a solicitation; or

(B) after the individual being solicited has declined to donate money or something else of value.

~~(7)~~ (6) Panhandling while making a statement, a gesture, or another communication to the individual being solicited that would cause a reasonable individual to:

(A) fear for the individual's safety; or

(B) feel compelled to donate.

~~(8)~~ (7) Panhandling with at least one (1) other individual.

~~(9)~~ (8) Panhandling and then following or accompanying the solicited individual without the solicited individual's consent after the solicited individual has declined to donate money or something else of value.

(Reference is to EHB 1022 as reprinted February 19, 2020.)

Bosma, Chair Messmer

Torr L. Brown

House Conferees Senate Conferees

Roll Call 367: yeas 35, nays 14. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1092-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1092 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-15-5-14.5, AS ADDED BY P.L.128-2019, SECTION 1, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) The office shall include a:

(1) licensed clinical social worker;

(2) licensed mental health counselor;

(3) licensed clinical addiction counselor; and

(4) licensed marriage and family therapist;

as eligible providers for the supervision of a plan of treatment for a patient's outpatient mental health or substance abuse treatment services, if the individual holds at least a master's degree and the supervision is in the scope of practice, education, and training of the clinical social worker, mental health counselor, clinical addiction counselor, or marriage and family therapist.

(b) Before July 1, 2020, the office shall apply to the United States Department of Health and Human Services to amend the state Medicaid plan to implement subsection (a).

SECTION 2. IC 12-15-5-17, AS AMENDED BY P.L.108-2019, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 29, 2020]: Sec. 17. (a) This section does not apply to a Medicaid recipient participating in the Program of All-Inclusive Care for the Elderly (PACE) program described in IC 12-15-43.

(b) The office may not include a Medicaid recipient who is eligible to ~~(H)~~ participate in the Medicare program (42 U.S.C. 1395 et seq.) and receive nursing facility services in a risk based managed care program or capitated managed care program.

(c) This section expires ~~June 30, 2020~~: **June 30, 2021.**

SECTION 3. IC 12-15-13-9, AS ADDED BY P.L.128-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Subject to subsection (b), the office shall reimburse the following providers if the providers are providing Medicaid covered services at a federally-qualified health center (as defined in 42 U.S.C. 1396d(l)(2)(B)) or a rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)) within the provider's scope of practice:

(1) A clinical social worker licensed under IC 25-23.6-5.

(2) A marriage and family therapist licensed under IC 25-23.6-8.

(3) A mental health counselor licensed under IC 25-23.6-8.5.

(4) A clinical addiction counselor licensed under IC 25-23.6-10.5.

(b) **By July 1, 2020**, the office shall apply to the United States Department of Health and Human Services to amend the state Medicaid plan to include reimbursement described in subsection (a). The office may not implement the reimbursement under subsection (a) until the office has obtained approval for the Medicaid state plan amendment requested under this subsection.

SECTION 4. IC 27-8-5-15.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 15.8. (a) As used in this section, "treatment of a mental illness or substance abuse" means:**

(1) treatment for a mental illness, as defined in IC 12-7-2-130(1); and

(2) treatment for drug abuse or alcohol abuse.

(b) As used in this section, "act" refers to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Act of 2008 and any amendments thereto, plus any

federal guidance or regulations relevant to that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3).

(c) As used in this section, "nonquantitative treatment limitations" refers to those limitations described in 26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR 146.136.

(d) An insurer that issues a policy of accident and sickness insurance that provides coverage of services for treatment of a mental illness or substance abuse shall submit a report to the department not later than December 31 of each year that contains the following information:

(1) A description of the processes:

(A) used to develop or select the medical necessity criteria for coverage of services for treatment of a mental illness or substance abuse; and

(B) used to develop or select the medical necessity criteria for coverage of services for treatment of other medical or surgical conditions.

(2) Identification of all nonquantitative treatment limitations that are applied to:

(A) coverage of services for treatment of a mental illness or substance abuse; and

(B) coverage of services for treatment of other medical or surgical conditions;

within each classification of benefits.

(e) There may be no separate nonquantitative treatment limitations that apply to coverage of services for treatment of a mental illness or substance abuse that do not apply to coverage of services for treatment of other medical or surgical conditions within any classification of benefits.

(f) An insurer that issues a policy of accident and sickness insurance that provides coverage of services for treatment of a mental illness or substance abuse shall also submit an analysis showing the insurer's compliance with this section and the act to the department not later than December 31 of each year. The analysis must do the following:

(1) Identify the factors used to determine that a nonquantitative treatment limitation will apply to a benefit, including factors that were considered but rejected.

(2) Identify and define the specific evidentiary standards used to define the factors and any other evidence relied upon in designing each nonquantitative treatment limitation.

(3) Provide the comparative analyses, including the results of the analyses, performed to determine the following:

(A) That the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of other medical or surgical conditions.

(B) That the processes and strategies used to apply each nonquantitative treatment limitation for treatment of a mental illness or substance abuse are

comparable to, and applied no more stringently than, the processes and strategies used to apply each nonquantitative limitation for treatment of other medical or surgical conditions.

(g) The department shall adopt rules to ensure compliance with this section and the applicable provisions of the act.

SECTION 5. IC 27-13-7-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14.2. (a) As used in this section, "treatment of a mental illness or substance abuse" means:

(1) treatment for a mental illness, as defined in IC 12-7-2-130(1); and

(2) treatment for drug abuse or alcohol abuse.

(b) As used in this section, "act" refers to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Act of 2008 and any amendments thereto, plus any federal guidance or regulations relevant to that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3).

(c) As used in this section, "nonquantitative treatment limitations" refers to those limitations described in 26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR 146.136.

(d) An individual contract or a group contract that provides coverage of services for treatment of a mental illness or substance abuse shall submit a report to the department not later than December 31 of each year that contains the following information:

(1) A description of the processes:

(A) used to develop or select the medical necessity criteria for coverage of services for treatment of a mental illness or substance abuse; and

(B) used to develop or select the medical necessity criteria for coverage of services for treatment of other medical or surgical conditions.

(2) Identification of all nonquantitative treatment limitations that are applied to:

(A) coverage of services for treatment of a mental illness or substance abuse; and

(B) coverage of services for treatment of other medical or surgical conditions;

within each classification of benefits.

(e) There may be no separate nonquantitative treatment limitations that apply to coverage of services for treatment of a mental illness or substance abuse that do not apply to coverage of services for treatment of other medical or surgical conditions within any classification of benefits.

(f) An individual contract or a group contract that provides coverage of services for treatment of a mental illness or substance abuse shall also submit an analysis showing the insurer's compliance with this section and the act to the department not later than December 31 of each year. The analysis must do the following:

(1) Identify the factors used to determine that a nonquantitative treatment limitation will apply to a benefit, including factors that were considered but rejected.

(2) Identify and define the specific evidentiary

standards used to define the factors and any other evidence relied upon in designing each nonquantitative treatment limitation.

(3) Provide the comparative analyses, including the results of the analyses, performed to determine the following:

(A) That the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of other medical or surgical conditions.

(B) That the processes and strategies used to apply each nonquantitative treatment limitation for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to apply each nonquantitative limitation for treatment of other medical or surgical conditions.

(g) The department shall adopt rules to ensure compliance with this section and the applicable provisions of the act.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "act" refers to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Act of 2008 and any amendments thereto, plus any federal guidance or regulations relevant to that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3).

(b) Not later than March 1, 2021, the department of insurance shall submit a report to the general assembly concerning its implementation of rules and procedures to ensure compliance with the act. The report must include the following information:

(1) The methodology the department uses to determine insurers' compliance with the act.

(2) The methodology the department uses to determine insurers' compliance with IC 27-8-5-15.6, IC 27-8-5-15.8, as added by this act, IC 27-13-7-14.2, as added by this act, and IC 27-13-7-14.8.

(3) The results of the target market conduct examinations conducted or completed to determine insurers' compliance with state and federal laws regarding parity in coverage of services for treatment of a mental illness or substance abuse in the past twelve (12) months.

(4) Any educational or corrective action the department has taken to ensure insurers' compliance with the act.

(c) The report required under this SECTION must be in an electronic format under IC 5-14-6.

(d) This SECTION expires June 30, 2021.

SECTION 7. An emergency is declared for this act.

(Reference is to EHB 1092 as printed February 14, 2020.)

Ziemke, Chair	Charbonneau
Fleming	Breaux
House Conferees	Senate Conferees

Roll Call 368: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1153-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1153 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-27-3, AS AMENDED BY P.L.143-2019, SECTION 2, AND AS AMENDED BY P.L.237-2019, SECTION 1, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The governor's workforce cabinet is established under the applicable state and federal programs to do the following:

(1) Review the services and use of funds and resources under applicable state and federal programs and advise the governor, *general assembly, commission for higher education, and state board of education* on methods of coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable state and federal programs.

(2) Advise the governor, *general assembly, commission for higher education, and state board of education* on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures; concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and recommend to the governor, *general assembly, commission for higher education, and state board of education* goals to meet the investment needs.

(5) Recommend to the governor, *general assembly, commission for higher education, and state board of education* goals for the development and coordination of the talent development system in Indiana.

(6) Prepare and recommend to the governor, *general assembly, commission for higher education, and state board of education* a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor and direct the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor, *general assembly, commission for higher education, and state board of education* on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service

delivery, and innovative programs.

(9) Review and approve regional workforce development board plans, and work with regional workforce development boards to determine appropriate metrics for workforce programming at the state and local levels.

(10) Design for implementation a comprehensive career navigation and coaching system as described in section 11 of this chapter.

(11) Conduct a systematic and comprehensive review, analysis, and evaluation of workforce funding described in section 12 of this chapter.

(12) Conduct a systematic and comprehensive review, analysis, and evaluation of the college and career funding described in section 13 of this chapter.

(13) Based on the reviews in sections 12 and 13 of this chapter, direct the appropriate state agencies to implement administrative changes to the delivery of these programs that align with Indiana's workforce goals, and make recommendations to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~legislative council~~ general assembly in an ~~in~~ electronic format under IC 5-14-6;

on possible legislative changes in the future.

(14) Study the advisability of establishing one (1) or more real world career readiness programs as described in section 14 of this chapter and report to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~legislative council~~ general assembly in an electronic format under IC 5-14-6;

concerning the results of the study.

(15) Conduct a systematic and comprehensive review, analysis, and evaluation of whether:

(A) Indiana's **early childhood**, primary, secondary, and postsecondary education systems are aligned with employer needs; and

(B) Indiana's students and workforce are prepared for success in the twenty-first century economy.

(16) **On or before December 1, 2020, create a comprehensive strategic plan to ensure alignment between Indiana's **early childhood**, primary, secondary, and postsecondary education systems with Indiana's workforce training programs and employer needs.**

~~(15)~~ (17) Administer the workforce diploma reimbursement program established by IC 22-4.1-27-7.

~~(17)~~ (18) Carry out other policy duties and tasks as assigned by the governor.

SECTION 2. An emergency is declared for this act.

(Reference is to EHB 1153 as printed February 28, 2020.)

Goodrich, Chair

Raatz

Klinker

Melton

House Conferees

Senate Conferees

Roll Call 369: yeas 41, nays 8. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1157-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1157 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-21-3-11, AS AMENDED BY P.L.217-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. A person who violates section 7, 8, or 9 of this chapter commits a Class C infraction. **However, a person who violates section 7, 8, or 9 of this chapter in a manner that results in bodily injury to a person commits a Class A infraction.**

SECTION 2. IC 9-21-8-49, AS AMENDED BY P.L.188-2015, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 49. (a) **Except as provided in subsection (b) except or** as provided in sections 35, 50, ~~51~~, 52, 55, 56, and 58 of this chapter, a person who violates this chapter commits a Class C infraction.

(b) Except as provided in sections 35, 50, 52, 55, 56, 58, and 59 of this chapter, a person who violates this chapter in a manner that results in bodily injury to a person commits a Class A infraction.

SECTION 3. IC 9-21-8-51 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 51. A person ~~who:~~ **may not:**

(1) ~~operates~~ **operate** a vehicle; and

(2) ~~fails fail~~ to dim bright or blinding lights when meeting another vehicle or pedestrian.

commits a Class B infraction.

SECTION 4. IC 9-30-6-8, AS AMENDED BY P.L.188-2015, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Whenever a judicial officer has determined that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), the clerk of the court shall forward:

(1) a paper copy of the affidavit, or an electronic substitute; or

(2) a bureau certificate as described in section 16 of this chapter;

to the bureau.

(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

(1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(3) State whether the person:

- (A) refused to submit to a chemical test when offered; or
- (B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at the initial hearing of the matter held under IC 35-33-7-1 the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered, and forward to the bureau a copy of the order recommending immediate suspension of driving privileges.

(d) If it is determined under subsection (a) that there is probable cause to believe that a person violated IC 9-30-5, the court may, as an alternative to **any** suspension of the person's driving privileges under subsection (c), issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

This subsection applies even if the probable cause affidavit in subsection (b) states that the person:

(1) refused to submit to a chemical test; or

(2) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

The order remains in effect until the bureau is notified by a court that the criminal charges against the person have been resolved. **When the court issues an order under this subsection, no administrative suspension is imposed by the bureau and no suspension is noted on the person's driving record.**

(e) A person commits a Class B infraction if the person:

- (1) operates a motor vehicle without a functioning certified ignition interlock device; and
- (2) is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d).

(f) A person commits a Class B misdemeanor if the person:

- (1) operates a motor vehicle without a functioning certified ignition interlock device; and
- (2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d).

SECTION 5. IC 9-30-6-13.5, AS AMENDED BY P.L.2-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.5. ~~Whenever~~ **If:**

(1) a case filed under IC 9-30-5 is terminated in favor of the defendant; and

(2) the defendant's driving privileges were suspended under:

(A) ~~section 9(c)~~ section 9(b) of this chapter; or

(B) section 9(c) of this chapter;

the bureau shall remove any record of the suspension, including the reason for suspension, from the defendant's official driving record.

SECTION 6. IC 9-30-16-1, AS AMENDED BY

P.L.144-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for specialized driving privileges under this chapter:

(1) A person who has never been an Indiana resident.

(2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7. **However, a court may grant this person driving privileges under IC 9-30-6-8(d).**

(3) A person whose driving privileges have been suspended or revoked under IC 9-24-10-7(b)(2)(A).

(4) A person whose driving privileges have been suspended under IC 9-21-8-52(e) or IC 9-21-12-1(b).

(b) This chapter applies to the following:

(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

(A) the criminal conviction for which the operation of a motor vehicle is an element of the offense;

(B) any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal); or

(C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

(A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and

(B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, a court may suspend the driving privileges of a person convicted of any of the following offenses for a period up to the maximum allowable period of incarceration under the penalty for the offense:

(1) Any criminal conviction in which the operation of a motor vehicle is an element of the offense.

(2) Any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal).

(3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.

(d) Except as provided in section 3.5 of this chapter, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for

and obtain an Indiana driver's license.

(g) If a person indicates to the court at an initial hearing (as described in IC 35-33-7) that the person intends to file a petition for a specialized driving privileges hearing with that court under section 3 or 4 of this chapter, the following apply:

(1) The court shall:

(A) stay the suspension of the person's driving privileges at the initial hearing and shall not submit the probable cause affidavit related to the person's offense to the bureau; and

(B) set the matter for a specialized driving privileges hearing not later than thirty (30) days after the initial hearing.

(2) If the person does not file a petition for a specialized driving privileges hearing not later than ten (10) days after the date of the initial hearing, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

(3) If the person files a petition for a specialized driving privileges hearing not later than ten (10) days after the initial hearing, the stay of the suspension of the person's driving privileges continues until the matter is heard and a determination is made by the court at the specialized driving privileges hearing.

(4) If the specialized driving privileges hearing is continued due to:

(A) a congestion of the court calendar;

(B) the prosecuting attorney's motion for a continuance; or

(C) the person's motion for a continuance with no objection by the prosecuting attorney;

the stay of the suspension of the person's driving privileges continues until addressed at the next hearing.

(5) If the person moves for a continuance of the specialized driving privileges hearing and the court grants the continuance over the prosecuting attorney's objection, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

SECTION 7. IC 9-30-16-6, AS ADDED BY P.L.188-2015, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person whose driving privileges are suspended under section 1(c) of this chapter:

(1) is entitled to credit for any days during which the license was suspended under IC 9-30-6-9(c); and

(2) may not receive any credit for days during which the person's driving privileges were suspended under IC 9-30-6-9(b).

(b) A period of suspension of driving privileges imposed under section 1(c) of this chapter must be consecutive to any period of suspension imposed under IC 9-30-6-9(b). However, **if the state and defendant agree pursuant to a term in an accepted plea agreement, or if the court finds in the sentencing order at sentencing that it is in the best interest of society, the**

court ~~may~~ **shall** terminate all or any part of the remaining suspension under IC 9-30-6-9(b) **and shall enter this finding in its sentencing order.**

(c) The bureau shall designate a period of suspension of driving privileges imposed under section 1(c) of this chapter as consecutive to any period of suspension imposed under IC 9-30-6-9(b) unless the sentencing order of the court under subsection (b) terminates all or part of the remaining suspension under IC 9-30-6-9(b).

SECTION 8. IC 9-30-16-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6.5. A court and the bureau, if applicable, shall terminate all or any part of the remaining suspension of a person's license suspension under section 1(c) of this chapter or under IC 9-30-6-9 if:**

(1) the charges against the person are dismissed;

(2) the person is acquitted; or

(3) the person's conviction is vacated or reversed on appeal.

SECTION 9. IC 34-28-5-1, AS AMENDED BY P.L.198-2016, SECTION 667, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(b) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(c) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(d) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(e) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

~~(f) Subsection (g) does not apply to an individual who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:~~

~~IC 9-19~~

~~IC 9-21~~

~~IC 9-24~~

~~IC 9-25~~

~~IC 9-26~~

~~IC 9-30-5~~

~~IC 9-30-10~~

~~IC 9-30-15.~~

~~(g) (f)~~ This subsection does not apply to an offense or

violation under IC 9-24-6 (before its repeal) or IC 9-24-6.1 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

- (1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;
- (2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);
- (3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;
- (4) the defendant in the action agrees to pay a fee of seventy dollars (\$70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);
- (5) the agreement is filed in the court in which the action is brought; and
- (6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

~~(h)~~ (g) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-31.5-2-50) instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

- (1) the:
 - (A) defendant; and
 - (B) attorney for the municipal corporation;
 agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;
- (2) the terms of the agreement described in subdivision (1):
 - (A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and
 - (B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;
- (3) the agreement is filed in the court where the judgment was entered; and

- (4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 10. IC 34-28-5-4, AS AMENDED BY P.L.146-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A judgment of up to ten thousand dollars (\$10,000) may be entered for a violation constituting a Class A infraction.

(b) A judgment of up to one thousand dollars (\$1,000) may be entered for a violation constituting a Class B infraction.

(c) Except as provided in subsection (f), a judgment of up to five hundred dollars (\$500) may be entered for a violation constituting a Class C infraction.

(d) A judgment of up to twenty-five dollars (\$25) may be entered for a violation constituting a Class D infraction.

(e) Subject to ~~section 1(f)~~ **section 1** of this chapter, a judgment:

- (1) up to the amount requested in the complaint; and
 - (2) not exceeding any limitation under IC 36-1-3-8;
- may be entered for an ordinance violation.

(f) Except as provided in subsections (g) and (h), a person who has admitted to a moving violation constituting a Class C infraction, pleaded nolo contendere to a moving violation constituting a Class C infraction, or has been found by a court to have committed a moving violation constituting a Class C infraction may not be required to pay more than the following amounts for the violation:

(1) If, before the appearance date specified in the summons and complaint, the person mails or delivers an admission of the moving violation or a plea of nolo contendere to the moving violation, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(2) If the person admits the moving violation or enters a plea of nolo contendere to the moving violation on the appearance date specified in the summons and complaint, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(3) If the person contests the moving violation in court and is found to have committed the moving violation, the person may not be required to pay any amount, except:

(A) court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was not found by a court in the county to have committed a moving violation;

(B) court costs and a judgment that does not exceed two hundred fifty dollars and fifty cents (\$250.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed one (1) moving violation; and

(C) court costs and a judgment that does not exceed five hundred dollars (\$500) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed two (2) or more moving violations.

In a proceeding under subdivision (3), the court may require the person to submit an affidavit or sworn testimony concerning whether, in the five (5) years before the appearance date specified in the summons and complaint, the person has been found by a court to have committed one (1) or more moving violations.

(g) The amounts described in subsection (f) are in addition to any amount that a person may be required to pay for attending a defensive driving school program.

(h) This subsection applies only to infraction judgments imposed in Marion County for traffic violations after December 31, 2010. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Marion County. These funds shall be transferred to a dedicated fund in accordance with section 5 of this chapter.

(i) This subsection applies only to infraction judgments imposed in Clark County for toll violations after January 1, 2017. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Clark County. These funds shall be transferred to a dedicated fund in accordance with section 5(f) of this chapter.

SECTION 11. IC 34-28-5-8, AS AMENDED BY P.L.200-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. The violations clerk or deputy violations clerk shall:

(1) accept:

- (A) written appearances;
- (B) waivers of trial;
- (C) admissions of violation;
- (D) declarations of nolo contendere for moving traffic violations;
- (E) payments of judgments (including costs) in traffic violation cases;
- (F) deferral agreements made under ~~section 1(f)~~ **section 1** of this chapter (or IC 34-4-32-1(f) before its repeal) and deferral program fees prescribed under IC 33-37-4-2(e); and
- (G) community restitution or service agreements made under ~~section 1(g)~~ **section 1** of this chapter;

(2) issue receipts and account for any judgments (including costs) collected; and

(3) pay the judgments (including costs) collected to the appropriate unit of government as provided by law.

SECTION 12. IC 34-28-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. The court shall:

(1) designate the traffic violations within the authority of the violations clerk, but these violations may not include misdemeanors or felonies;

(2) establish schedules, within limits prescribed by law, of the judgments to be imposed for first violations, designating each violation specifically;

(3) order that the schedule of judgments be prominently posted in the place where the fines are paid;

(4) establish a procedure under which any violations clerk or deputy violations clerk shall accept, receipt, and account for all money tendered for designated traffic violations; and

(5) dismiss deferred actions if a dismissal request is made under ~~section 1(f)~~ **section 1** of this chapter (or IC 34-4-32-1(f) before its repeal).

SECTION 13. IC 35-48-4-15 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 15: If a person is convicted of an offense under section 1; 1-1; 1-2; 2; 3; 4; or 10 of this chapter; and the court finds that a motor vehicle was used in the commission of the offense; the court may, in addition to any other order the court enters, order that the person's driving privileges be suspended by the bureau of motor vehicles for a period specified by the court of not more than two (2) years.~~

(Reference is to EHB 1157 as reprinted March 3, 2020.)

McNamara, Chair	Freeman
Hatfield	Tallian
House Conferees	Senate Conferees

Roll Call 370: yeas 44, nays 4. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1385-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1385 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-6-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. As used in this chapter, "boat" means any device in which a person may be transported upon water and includes every motorboat, sailboat, pontoon boat, rowboat, skiff, dinghy, or canoe, regardless of size; or "watercraft" has the meaning set forth for "watercraft" in IC 9-13-2-198.5.

SECTION 2. IC 6-6-11-2 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 2: As used in this chapter, "boating equipment" means motors used in connection with a boat.~~

SECTION 3. IC 6-6-11-3 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 3: As used in this chapter, "boating year" means a calendar year.~~

SECTION 4. IC 6-6-11-4 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 4: As used in this chapter, "motorized boat" means a boat that is propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or propelled by any mechanical means; including a sailboat that is~~

equipped with a motor or engine:

SECTION 5. IC 6-6-11-5, AS AMENDED BY P.L.245-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 5. As used in this chapter, "tax situs" means the taxing district in which a boat is located on the assessment date of a boating year unless:

- (1) the boat is acquired after the assessment date, in which case the boat's tax situs is where the owner intends to have the boat on the following assessment date; or
- (2) the boat is registered outside Indiana, in which case the boat's tax situs is the taxing district in which the boat is principally stored or operated during the boating year: **date the boat is registered under IC 9-18.1-14.5.**

SECTION 6. IC 6-6-11-8, AS AMENDED BY P.L.178-2019, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 8. (a) Except as provided in subsections subsection (b), and (d); a boat may not be operated, used, docked, or stored in a county during any part of a boating registration year unless:

(1) unless:

- (A) the boat excise tax; and
- (B) the boat registration fees imposed by IC 9-31-3-9; for that boat have been paid for that boating year; and
- (2) unless valid boat excise tax decals for that boating year are affixed to the boat.

(1) the boat has been registered under IC 9-18.1-14.5; or

(2) the boat is not required to be registered under IC 9-18.1-14.5.

(b) A boat may be operated, used, docked, or stored in a county without the boat excise tax having been paid if:

- (1) the boat is exempt from the excise tax under section 9 of this chapter; or
- (2) the operator of the boat has in the operator's possession a bill of sale from a dealer or private individual that includes the following:

- (A) The purchaser's name and address;
- (B) A date of purchase that is not more than thirty-one (31) days preceding the date that the operator is required to show the bill of sale;
- (C) The make and type of boat or the hull identification number.

(b) A boat is exempt from the boat excise tax imposed by this chapter if the boat is:

- (1) exempt from registration fees under IC 9-18.1-14.5-7; or
- (2) used by a person for the production of income and subject to assessment under IC 6-1.1, proof of which has been provided to the bureau.

(c) Boats that are subject to the boat excise tax for a boating registration year are not subject to assessment and taxation under IC 6-1.1 for ad valorem property taxes first due and payable in the following boating registration year, with respect to the taxpayer who must pay the boat excise tax.

(d) A boat may be operated, used, docked, or stored in a county without valid boat excise tax decals for that boating year being affixed to the boat if the decals do not have to be affixed to the boat under rules adopted by the department of natural

resources:

(d) If the boat excise tax imposed by this chapter was not paid for one (1) or more preceding registration years, the bureau of motor vehicles may collect only the boat excise tax imposed by this chapter for the:

- (1) registration year immediately preceding the current registration year;
- (2) current registration year; and
- (3) registration year immediately following the current registration year.

SECTION 7. IC 6-6-11-9 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 9: A boat is exempt from the boat excise tax imposed for a year if the boat is:

- (1) owned by the United States;
- (2) owned by the state or one (1) of its political subdivisions (as defined in IC 36-1-2-13);
- (3) owned by an organization exempt from federal income taxation under 501(c)(3) of the Internal Revenue Code;
- (4) a human powered vessel, as determined by the department of natural resources;
- (5) held by a boat manufacturer, distributor, or dealer for sale in the ordinary course of business;
- (6) used by a person for the production of income and subject to assessment under IC 6-1.1;
- (7) stored in Indiana for less than twenty-two (22) consecutive days and not operated, used, or docked in Indiana;
- (8) except as provided in subdivision (9); registered outside Indiana and operated, used, or docked in Indiana for a combined total of less than twenty-two (22) consecutive days during the boating year;
- (9) a motorboat (as defined by IC 9-13-2-103.5) and is registered outside Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than one hundred eighty (180) consecutive days; or
- (10) subject to the commercial vessel tonnage tax under IC 6-6-6.

SECTION 8. IC 6-6-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 10. (a) The amount of boat excise tax that a boat owner shall pay for a boating registration year is based on the boat's class and age.

(b) Motorized boats and sailboats Boats are classified for excise tax purposes according to the value of the boat when the boat was new. The amount of excise tax for a boating year that is imposed for a motorized boat or a sailboat and owed by the boat owner is prescribed in the following table:

MOTORIZED BOATS or SAILBOATS BOAT VALUE			
CLASS	WHEN NEW	TAX DUE	
	AT LEAST but	LESS THAN	
1	\$ 0.01	\$ 500	\$ 2
2	500	1,000	6
3	1,000	1,500	20
4	1,500	2,000	30
5	2,000	3,000	42
6	3,000	5,000	55
7	5,000	7,500	70
8	7,500	10,000	88
9	10,000	15,000	110

10	15,000	22,500	150
11	22,500	35,000	200
12	35,000	50,000	275
13	50,000	75,000	375
14	75,000 or more		500

The bureau of motor vehicles ~~shall~~ **may** adopt rules under IC 4-22-2 for determining the value of new boats. A tax paid under subsection (c) may be used as a credit against the taxes owed for the same ~~boating registration~~ year under this subsection.

(c) Notwithstanding subsection (b), the amount of excise tax imposed and owed by a boat owner is twelve dollars (\$12) for a ~~motorized boat or a sailboat~~ that is stored in Indiana for sixty (60) consecutive days or more but not operated, used, or docked in Indiana waters, except to facilitate storage of the boat.

SECTION 9. IC 6-6-11-13, AS AMENDED BY P.L.178-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 13. (a) A boat owner shall pay the boat excise tax for a ~~boating registration~~ year to the bureau of motor vehicles. ~~If the motorboat is legally registered in another state, the boat owner must pay the excise tax and the two dollar (\$2) fee imposed by IC 9-31-3-2 for a boating year to the bureau of motor vehicles.~~

(b) ~~Subject to subsection (c);~~ The tax and fees set forth in subsection (a) must be paid at the same time that the boat owner pays or would pay the registration fee and vehicle excise taxes on motor vehicles under IC 9-18 (before its expiration), IC 9-18.1, and IC 6-6-5. When the boat owner pays the tax and fees, the owner is entitled to receive the ~~excise tax registration~~ decals.

(c) ~~If the boat excise tax imposed by this chapter was not paid for one (1) or more preceding boating years, the bureau may collect only the boat excise tax imposed by this chapter for the:~~

- ~~(1) boating year immediately preceding the current boating year;~~
- ~~(2) current boating year; and~~
- ~~(3) boating year immediately following the current boating year.~~

SECTION 10. IC 6-6-11-14, AS AMENDED BY P.L.256-2017, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 14. (a) ~~For~~ **This section applies to** a boat which has been acquired, or brought into Indiana, or for any other reason becomes subject to ~~registration or the boat excise tax after the regular annual tax payment date in the boating registration year on or before which the owner is required to pay the tax on boats under this chapter.~~ The tax imposed by this chapter shall become due and payable no later than

- ~~(1) the thirty-second day after the boat is operated in Indiana; if the boat is registered in Indiana;~~
- ~~(2) except as provided in subdivision (3); the twenty-second consecutive day during the boating year that the boat is:~~
 - ~~(A) stored in Indiana; or~~
 - ~~(B) operated, used, or docked in Indiana waters if the boat is registered outside Indiana; or~~
- ~~(3) the one hundred eighty-first day that the motorboat (as defined by IC 9-13-2-103.5) is docked on the Indiana part~~

~~of Lake Michigan if the motorboat is registered outside Indiana; the date the boat is required to be registered in Indiana under IC 9-18.1-14.5-8.~~

(b) The amount of excise tax to be paid by the owner for the remainder of the year shall be reduced by one-twelfth (1/12) for each full calendar month which has elapsed since the regular annual tax payment date in the year fixed by the bureau of motor vehicles for tax payment by the owner.

(b) The boat excise tax owed by the owner at the time of registration of the boat is calculated in the same manner as a motor vehicle excise tax under IC 6-6-5-7.2(c).

(c) The owner of a boat who sells or otherwise disposes of the boat in a year in which the owner has paid the excise tax imposed by this chapter is entitled to receive a credit that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.2(e).

(d) If the name of the owner of a boat is legally changed and the change has caused a change in the owner's annual registration date, the boat excise tax liability of the owner shall be adjusted in the same manner as excise taxes are adjusted under IC 6-6-5-7.2(f).

(e) The owner of a boat registered with the bureau of motor vehicles is entitled to a refund of boat excise taxes calculated in the same manner as motor vehicle excise tax under IC 6-6-5-7.4 if, after the owner's registration date:

- (1) the owner registers the boat for use in another state;
- (2) the owner pays tax for use of the boat in another state for the same time period for which the tax was paid under this chapter; and
- (3) the amount of the refund is at least four dollars (\$4).

(f) To claim a credit or a refund, or both, under this chapter, a person must comply with the provisions of IC 6-6-5-7.7.

SECTION 11. IC 6-6-11-15 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. ~~15~~: For a boat which is acquired, or brought into Indiana, or for any other reason becomes subject to taxation under this chapter during the middle of the current boating year, the owner may pay the fees and the excise tax due on the boat as provided in this chapter and any excise tax due on the boat for the remainder of the boating year and simultaneously pay the fees and the excise tax due for the following boating year.

SECTION 12. IC 6-6-11-16 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. ~~16~~: (a) Except as provided in sections ~~11~~ and ~~19~~ of this chapter, a reduction in the excise tax is not allowed to Indiana residents if the boat was owned by the person on or before the person's tax payment date.

(b) A boat owner is not entitled to a refund of excise taxes paid because the boat owner changes the boat owner's state or country of residency.

SECTION 13. IC 6-6-11-17 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. ~~17~~: (a) The owner of a boat who sells or otherwise disposes of the boat in a year in which the boat owner has paid the tax imposed by this chapter is entitled to receive a credit equal to the remainder of:

- (1) the tax paid for the boat; minus
- (2) one-twelfth (1/12) for each full or partial calendar

month that has elapsed from the date the tax was due to the date of the sale, destruction, or other disposal of the boat.

(b) If the credit is not fully used within ninety (90) days after the date of the sale, destruction, or other disposal of the boat and the amount of the credit is at least four dollars (\$4), the bureau shall issue a refund to the owner in the amount of the unused credit, less a fee of three dollars (\$3) to cover the costs of processing the refund. The bureau shall deposit the processing fee in the commission fund (established by IC 9-14-14-1).

(c) To claim the credit and refund provided by this section, the owner of the boat must present to the bureau proof of the sale, destruction, or other disposal of the boat.

SECTION 14. IC 6-6-11-17.5 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 17-5: (a) To claim a credit or refund, or both, a person must provide a sworn statement to the bureau that the person is entitled to the credit or refund, or both, claimed by the person.

(b) The bureau may inspect records of a person claiming a credit or refund, or both, under this chapter to determine whether a credit or refund, or both, was properly allowed against the excise tax imposed under this chapter for a boat owned by the person.

(c) If the bureau determines that a credit or refund, or both, was improperly allowed to a person for a boat, the person shall pay the bureau the amount of the credit and refund that was improperly allowed to the person plus a penalty equal to ten percent (10%) of the amount of the credit or refund, or both, that was improperly allowed to the person. The tax collected under this section shall be distributed to the county treasurer of the county where the boat's tax situs is located. However, the bureau shall retain any penalty collected under this subsection.

SECTION 15. IC 6-6-11-19 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 19: If the name of the owner of a boat is legally changed and the change has caused a change in the owner's annual tax payment date, the excise tax liability of the owner shall be adjusted as follows:

(1) If the name change requires the owner to pay the excise tax sooner than the owner would have been required to pay if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) one-twelfth (1/12) of the owner's last preceding annual excise tax liability; multiplied by

(B) the number of full calendar months between the owner's new tax payment month and the tax payment month that is based on the owner's former name.

(2) If the name change requires the owner to pay the excise tax later than the owner would have been required to pay if there had been no name change, the boat is subject to excise tax for the period between the month in which the owner would have been required to pay if there had been no name change and the new tax payment month. The amount of the tax is equal to the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the number of full calendar months between the month in which the owner would have been required to register if there had been no name

change and the owner's new annual registration month.

STEP TWO: Multiply:

(i) the STEP ONE result; by

(ii) one-twelfth (1/12);

STEP THREE: Determine the owner's excise tax liability computed as of the time the owner would have been required to pay the excise tax if there had been no name change.

STEP FOUR: Multiply:

(i) the STEP TWO result; by

(ii) the STEP THREE result.

SECTION 16. IC 6-6-11-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 21. The state board of accounts shall prescribe the tax payment form to be used by the bureau of motor vehicles. The board shall prescribe one (1) document to serve as the form. The form must have a sufficient number of copies for distribution and include appropriate spaces for the following information:

(1) The owner's name and address.

(2) The name of the county and the address of the location where the boat has its tax situs for the **boating registration** year.

(3) A description of the boat, including the manufacturer's specified length for the boat.

(4) The age of the boat.

(5) The class prescribed for the boat under this chapter.

(6) The excise tax imposed on the boat for the **boating registration** year under this chapter.

(7) The boat's state registration or Coast Guard documentation number, if any, and any other information reasonably required by the department of natural resources.

(8) The signature of the boat owner on the owner's copy of the form verifying that the information is true and correct and acknowledging that the boat owner will be subject to penalties for perjury for providing false information.

(9) Any other information prescribed by the state board of accounts.

SECTION 17. IC 6-6-11-22 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 22: The department of natural resources shall prescribe the design of the boat excise tax decals in sufficient time for the bureau of motor vehicles to procure a sufficient number of boat excise tax decals for each class of boat. Each decal must:

(1) state the boating year to which the decal applies;

(2) have a unique identification number;

(3) be a different color than the colors used for the previous boating year; and

(4) be designed so that law enforcement officers can easily identify whether the decal is valid.

SECTION 18. IC 6-6-11-23.5 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 23-5: The bureau of motor vehicles may issue a decal to a boat owned by an organization exempt from Federal income taxation under 501(c)(3) of the Internal Revenue Code.

SECTION 19. IC 6-6-11-24 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 24: The taxpayer shall affix the boat excise tax decals:

- (1) to the bow of each side of the boat, within three (3) inches to the right of the boat's registration number; or
- (2) on each side of the forward half of the bow above the water line of the boat if a registration number is not required to be displayed.

However, the department of natural resources may adopt rules under IC 4-22-2 providing that decals do not have to be affixed to certain types of boats.

SECTION 20. IC 6-6-11-26 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 26: If a boat owner has a judgment entered against the owner for violating section 25 of this chapter, the court shall transmit a copy of the judgment to the bureau of motor vehicles. A boat owner who does not pay the boat excise tax on or before the due date shall pay a delinquent fee equal to one hundred percent (100%) of the boat excise tax due. The bureau of motor vehicles shall collect this delinquent fee along with the excise taxes due for the boat. The amount collected in delinquent fees shall be credited to a special account within the state general fund to be used as provided in section 35 of this chapter.

SECTION 21. IC 6-6-11-27 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 27: A person who falsifies, predates, changes, or counterfeits a boat excise tax decal commits a Class C misdemeanor.

SECTION 22. IC 6-6-11-29, AS AMENDED BY P.L.178-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 29. (a) The bureau of motor vehicles shall transfer the boat registration fee, the delinquent excise taxes, and the delinquent fees collected under this chapter during the preceding month as follows:

- (1) On or before the eleventh day of each month, the bureau of motor vehicles shall transfer to the bureau of motor vehicles commission fund an amount equal to five percent (5%) of each excise tax transaction completed by the bureau. The money is to be used to cover the expenses incurred by or on behalf of the bureau of motor vehicles for returns, decals, collecting the fees and excise taxes and for amounts deposited in the commission fund: in administering this chapter.

(2) At least quarterly, the bureau of motor vehicles shall set aside for the department of natural resources the delinquent fees collected under this chapter to use as provided in section 35 of this chapter.

(3) (2) On or before the tenth day of each month, the bureau of motor vehicles shall distribute to each county the excise tax collections including delinquent tax collections, for the county for the preceding month. The bureau of motor vehicles shall include a report with each distribution showing the information necessary for the county auditor to allocate the revenue among the taxing units of the county.

(4) (3) The bureau of motor vehicles shall deposit the revenue from the boat registration fee imposed by IC 9-31-3-9 (before its repeal) and IC 9-18.1-14.5-6 in the conservation officers marine enforcement fund established by IC 14-9-8-21.5, the fish and wildlife fund established by IC 14-22-3-2, and the lake and river

enhancement fund established by IC 14-22-3.5, as provided in IC 9-31-3-9 (before its repeal) or IC 9-18.1-14.5-6.

(b) Money credited to each county's account in the state general fund is appropriated to make the distributions and the transfers required by subsection (a). The distributions shall be made upon warrants drawn from the state general fund.

SECTION 23. IC 6-6-11-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 30. Before March 1 of each year the bureau of motor vehicles shall prepare a boat excise tax summary covering the previous boating year. The summary must include the following:

- (1) The number of boats by county.
- (2) The number of boats by class.
- (3) The amount of excise tax collected by class.

The bureau shall send a copy of the summary to the auditor of state, the department of natural resources, and the county assessors.

SECTION 24. IC 6-6-11-35 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 35: The money set aside from the department of natural resources fees for the department of natural resources under section 29 of this chapter is annually appropriated and shall be used exclusively for the following:

- (1) The enforcement of laws pertaining to watercraft.
- (2) The state's share of the cost of retirement benefits for the department's conservation officers.
- (3) Improving the navigable waters of Indiana.

SECTION 25. IC 8-4.5-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. "Recreational trail" means a trail or path that:

- (1) includes a corridor along any part of its length; and
- (2) is intended to be used for:
 - (A) bicycling;
 - (B) exercising;
 - (C) hiking;
 - (D) running;
 - (E) riding:
 - (i) in or on a vehicle of any kind, regardless of the means of propelling the vehicle; or
 - (ii) on any animal;
 - (F) walking; or
 - (G) any other recreational purpose; and
- (3) is funded through the recreational trails program under IC 8-4.5-5.

However, the term does not include a highway, road, or street (as defined in IC 8-23-1-23).

SECTION 26. IC 8-4.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The state may acquire any part of a railroad's interest in a corridor under this chapter for any of the following purposes:

- (1) A present or future rail line.
- (2) A transportation corridor.
- (3) A communication corridor.
- (4) A recreational trail.
- (5) A utility corridor.
- (6) The preservation of a railroad corridor.
- (7) Any combination of purposes described in subdivisions (1) through (6).

SECTION 27. IC 8-4.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. In determining whether the state should acquire any part of a railroad's interest in a corridor, the Indiana department of transportation shall consider the following factors:

(1) The potential for future use of the railroad's interest in the corridor as a freight or high-speed passenger rail line, considering the following:

(A) The potential need for use of the railroad's interest in the corridor for future transportation purposes.

(B) The cost of maintaining the railroad's interest in the corridor during any time before the future transportation use will begin.

(C) The effect of any interim use and the future transportation use of the railroad's interest in the corridor on property owners.

(D) Any relevant requirement of any federal law.

(E) Any other factor the department considers relevant.

(2) Based on the recommendation of the department of natural resources, the potential for recreational use of the railroad's interest in the corridor considering the following:

(A) The recreational value of the railroad's interest in the corridor.

(B) The feasibility of using the railroad's interest in the corridor for recreation.

(C) The likelihood that there may be significant recreational use of the railroad's interest in the corridor if the railroad's interest in the corridor is converted to a **recreational** trail.

(D) The general acceptability of the proposed recreational use of the railroad's interest in the corridor to property owners and the community at large.

(E) The existence of a willing person, whether public or private, to operate the railroad's interest in the corridor for the proposed recreational use.

(F) Any relevant requirement of any federal law.

(G) Any other factor the department considers relevant.

(3) The potential for the use of the railroad's interest in the corridor for communications or utility use.

(4) Whether there are funds to acquire the railroad's interest in the corridor.

SECTION 28. IC 8-4.5-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. If a railroad's interest in a corridor is acquired under this chapter for a recreational purpose, the railroad's interest in the corridor ~~must~~ **may** be developed and operated under IC 8-4.5-5.

SECTION 29. IC 9-13-2-103.5 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 103-5. (a) "Motorboat" means a watercraft propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or by any mechanical means.~~

~~(b) The term includes a sailboat that is equipped with a motor or an engine described in subsection (a) when the sailboat is in operation whether or not the sails are hoisted.~~

SECTION 30. IC 9-13-2-117.5, AS AMENDED BY P.L.198-2016, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 117.5.

"Operate" means to navigate or otherwise be in actual physical control of a vehicle, ~~motorboat, watercraft~~, off-road vehicle, or snowmobile.

SECTION 31. IC 9-13-2-118, AS AMENDED BY P.L.198-2016, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 118. (a) Except as provided in ~~IC 9-31~~, **subsection (b)**, "operator" means an individual who operates a vehicle, ~~motorboat, watercraft~~, off-road vehicle, or snowmobile.

(b) "Operator", for purposes of IC 9-18.1-14.5, has the meaning set forth in 33 CFR 174.3.

SECTION 32. IC 9-13-2-121, AS AMENDED BY P.L.198-2016, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 121. (a) Except as otherwise provided in ~~IC 9-31~~, **subsection (b)**, "owner" means a person, other than a lienholder, that:

(1) holds the property in or title to, as applicable, a vehicle, manufactured home, mobile home, off-road vehicle, snowmobile, or watercraft; or

(2) is entitled to the use or possession of, as applicable, a vehicle, manufactured home, off-road vehicle, snowmobile, or watercraft, through a lease or other agreement intended to operate as a security.

(b) "Owner" for purposes of IC 9-18.1-14.5, has the meaning set forth in 33 CFR 174.3.

SECTION 33. IC 9-13-2-196, AS AMENDED BY P.L.142-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. The term does not include the following:

(1) A device moved by human power.

(2) A device that runs only on rails or tracks.

(3) A wheelchair.

(4) An electric foot scooter.

(b) For purposes of IC 9-17, the term includes the following:

(1) Off-road vehicles.

(2) Manufactured homes or mobile homes that are:

(A) personal property not held for resale; and

(B) not attached to real estate by a permanent foundation.

(3) Watercraft.

(c) For purposes of IC 9-22 (**except IC 9-22-6**) and IC 9-32, the term refers to a vehicle **or watercraft** of a type that must be registered under IC 9-18-2 (before its expiration) or IC 9-18.1, other than an off-road vehicle or a snowmobile under IC 9-18-2.5 (before its expiration) or IC 9-18.1-14.

(d) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 34. IC 9-13-2-198.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 198.5. (a) "Watercraft" means a contrivance used or designed for navigation on water, including a vessel, boat, motor vessel, steam vessel, sailboat, vessel operated by machinery either permanently

or temporarily affixed, scow, tugboat, or any marine equipment that is capable of carrying passengers. ~~except a ferry.~~

(b) The term does not include a craft that:

- (1) is powered by its occupants, including a canoe, rowboat, or paddleboat; and**
- (2) does not contain any type of mechanical propellant, including internal combustion, steam, or electrical inboard or outboard motor or engine.**

SECTION 35. IC 9-14-12-2, AS AMENDED BY P.L.27-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. The bureau shall maintain the following records:

- (1) All records related to or concerning certificates of title issued by the bureau under IC 9-17 and IC 9-31 **(before its repeal)**, including the following:

- (A) An original certificate of title and all assignments and reissues of the certificate of title.
- (B) All documents submitted in support of an application for a certificate of title.
- (C) Any notations recorded on a certificate of title.
- (D) A listing of all reported buyback vehicles in accordance with IC 9-17-3-5.
- (E) Any inspection that is conducted:
 - (i) by an employee of the bureau or commission; and
 - (ii) with respect to a certificate of title issued by the bureau.

- (2) All records related to or concerning registrations issued under IC 9-18 (before its expiration), IC 9-18.1, or IC 9-31 **(before its repeal)**, including the following:

- (A) The distinctive registration number assigned to each vehicle registered under IC 9-18 (before its expiration) or IC 9-18.1 or each watercraft registered under IC 9-31 **(before its repeal)**.
- (B) All documents submitted in support of applications for registration.

- (3) All records related to or concerning credentials issued by the bureau under IC 9-24, including applications and information submitted by applicants.
- (4) All driving records maintained by the bureau under section 3 of this chapter.
- (5) A record of each individual that acknowledges making an anatomical gift as set forth in IC 9-24-17.

SECTION 36. IC 9-17-1-1, AS AMENDED BY P.L.198-2016, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. (a) This article does not apply to the following:

- (1) A vehicle that is not required to be registered under IC 9-18-2 (before its expiration) or IC 9-18.1.
- (2) Special machinery.
- (3) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.
- (4) Motor driven cycles.
- (5) An off-road vehicle that was purchased or otherwise acquired before January 1, 2010.
- (6) Snowmobiles.
- (7) A watercraft that is not required to be registered under

IC 9-31-3 **(before its repeal)** or IC 9-18.1-14.5.

- (b) Notwithstanding subsection (a), a person may apply for:

- (1) a certificate of title under IC 9-17-2-2; or
- (2) a special identification number under IC 9-17-4;

for a vehicle listed in subsection (a).

- (c) If the bureau issues a certificate of title under subsection (b)(1), the vehicle remains subject to this article until the titleholder surrenders the title to the bureau.

SECTION 37. IC 9-18.1-9-4, AS ADDED BY P.L.198-2016, SECTION 326, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. The bureau may issue a confidential license plate **or other proof of registration** for investigative purposes to the following:

- (1) A state agency upon the annual consent of the bureau or the Indiana department of administration.
- (2) Other investigative agencies upon the annual consent of the superintendent of the state police.

SECTION 38. IC 9-18.1-14.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]:

Chapter 14.5. Watercraft

Sec. 1. (a) Except as provided in subsection (b), a watercraft may not be operated, used, docked, or stored in Indiana during any part of a calendar year unless the watercraft:

- (1) is registered under this chapter; and**
- (2) displays proof of registration under this chapter.**

(b) Registration is not required for the following watercraft:

- (1) A watercraft that is from a country other than the United States temporarily using the waters of Indiana.**
- (2) A ship's lifeboat, when used solely as a lifeboat of another boat and for no other recreational purpose.**
- (3) Except as provided in subdivision (4), a watercraft that is registered outside of Indiana and operated, used, stored, or docked in Indiana for a combined total of not more than sixty (60) consecutive days during a calendar year.**
- (4) A watercraft that is registered outside of Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than one hundred eighty (180) consecutive days.**
- (5) A watercraft that belongs to a class of boats that has been exempted from registration and numbering by the bureau after the bureau has found the following:**

(A) That an agency of the federal government has a numbering system applicable to the class of watercraft to which the watercraft in question belongs.

(B) That the watercraft would also be exempt from numbering if the watercraft were subject to federal law.

- (6) A watercraft, the operator of which has in the operator's possession a bill of sale from a dealer licensed under IC 9-32 or private individual that includes the following:**

(A) The purchaser's name and address.

(B) A date of purchase that is not more than

forty-five (45) days preceding the date that the operator is required to show the bill of sale.

(C) The make, model, and identification number of the watercraft provided by the manufacturer.

(7) A watercraft held by a watercraft manufacturer, distributor, or dealer for sale in the ordinary course of business.

(8) A watercraft subject to the commercial vessel tonnage tax under IC 6-6-6.

(c) A person that fails to register a watercraft that is required to be registered under this chapter commits a Class C infraction.

Sec. 2. (a) A person that desires to register a watercraft must submit an application, in a form and manner prescribed by the bureau, that contains the following information:

(1) The name of the owner of the watercraft, and, if the watercraft is leased, the name of the lessee.

(2) The person's address in Indiana, including the county and township, on the date of the application, as follows:

(A) If the person is an individual, the person's residence address. However, if the person participates in the address confidentiality program under IC 5-26.5, the address may be a substitute address designated by the office of the attorney general under IC 5-26.5.

(B) If the person is not an individual, the person's principal office in Indiana.

(C) If the person does not have a physical residence or office in Indiana, the county and township in Indiana where the watercraft will be primarily operated or stored.

(3) A description of the watercraft to be registered, including the identification number and color of the watercraft.

(4) The tax situs of the watercraft as defined in IC 6-6-11-5.

(5) Any other information required by the bureau.

(b) An application made online or through the United States mail is not required to be sworn or notarized.

(c) A person may apply on behalf of another person to register a watercraft under this chapter. However, the person in whose name the watercraft will be registered must sign and verify the application.

(d) A person that makes a false statement in an application under this section commits a Class C infraction.

Sec. 3. The bureau may not register a watercraft unless:

(1) the watercraft has an identification number;

(2) the registrant:

(A) pays the applicable boat excise tax for the watercraft under IC 6-6-11; or

(B) provides proof in a manner acceptable to the bureau that the watercraft is exempt from the boat excise tax for watercraft under IC 6-6-11;

(3) the registrant titles the watercraft under IC 9-17; and

(4) the registrant pays the appropriate registration fee

under section 6 of this chapter.

Sec. 4. (a) The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of the information provided by a person as part of a request to register a watercraft under this chapter.

(b) The bureau may:

(1) make investigations or require additional information; and

(2) reject an application or request;

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement contained in an application or request, or for any other reason.

Sec. 5. (a) If the bureau determines that a person applying to register a watercraft is entitled to register the watercraft, the bureau shall register the watercraft and issue to the applicant proof of registration for display on the watercraft and a certificate of registration.

(b) Proof of registration for display on the watercraft must be displayed in a manner prescribed by the department of natural resources, including the following:

(1) The registration number set forth in the certificate of registration must be displayed on each side of the bow of the watercraft. The display must be legible. However, a watercraft that has a valid marine document issued by the United States Bureau of Customs is not required to display the registration number.

(2) If a watercraft is required to be registered under 33 CFR 173, the registration number must be displayed in the manner prescribed by 33 CFR 173.27.

(3) Decals indicating the year of expiration of registration, with a unique identification number and a different color than colors used for the previous registration year, must be affixed:

(A) to the bow of each side of the watercraft, within three (3) inches to the right of the watercraft's registration number; or

(B) on each side of the forward half of the bow above the water line of the watercraft if a registration number is not required to be displayed.

However, the department of natural resources may adopt rules under IC 4-22-2 providing that the decals do not have to be affixed to a particular type of watercraft.

(c) A number other than the number awarded to a watercraft or granted reciprocity under this chapter may not be painted, attached, or otherwise displayed on each side of the bow of the watercraft.

(d) A person that fails to:

(1) carry a certificate of registration or a legible reproduction of a certificate of registration; or

(2) display proof of registration for display on the watercraft as required by the department of natural resources;

commits a Class C infraction.

(e) Certificates of registration, decals, and other proof of registration issued under this section:

(1) remain the property of the bureau; and

(2) may be revoked, canceled, or repossessed as provided by law.

(f) A person who knowingly or intentionally falsifies, predates, changes, or counterfeits proof of registration for a watercraft commits a Class C misdemeanor.

Sec. 6. (a) A request for registration under this chapter must be signed by the owner of the watercraft and accompanied by the appropriate fee specified under subsection (b). The fee to renew a watercraft registration is based upon the appropriate fee specified under subsection (c).

(b) The fee to register a watercraft in its first year of registration is the amount determined by STEP THREE of the following formula:

STEP ONE: Determine the appropriate fee based upon the length of the watercraft as follows:

Watercraft Length (in feet)

At Least	But Less Than	Fee (\$) (before January 1, 2017)	Fee (\$) (after December 31, 2016)
0	13	16.50	15
13	26	18.50	18
26	40	21.50	21
40		26.50	24

STEP TWO: Determine the appropriate fee based upon the value of the watercraft as follows:

Value (\$) Greater Than or Equal to	Value (\$) Less Than	Fee (\$)
0	1,000	5
1,000	3,000	10
3,000	5,000	15
5,000	10,000	20
10,000		25

STEP THREE: Determine the sum of the STEP ONE amount plus the STEP TWO amount.

(c) The fee to renew a watercraft registration is based upon the value of the watercraft as follows:

Value (\$) Greater Than or Equal to	Value (\$) Less Than	Fee (\$)
0	1,000	10
1,000	3,000	15
3,000	5,000	20
5,000	10,000	25
10,000		30

(d) The bureau shall determine the value of a watercraft in the same manner as set forth in IC 6-6-11-10.

(e) The fees collected under subsection (b) shall be distributed as follows:

(1) Fees collected from STEP ONE of subsection (b) shall be deposited in the fish and wildlife fund established by IC 14-22-3-2 and shall be used exclusively for the following:

- (A) The enforcement of laws pertaining to watercraft.
- (B) The state's share of the cost of retirement benefits for conservation officers of the department of natural resources.
- (C) Improving the navigable waters of Indiana.

(2) Sixty-six and seven-tenths percent (66.7%) of the

fees collected from STEP TWO of subsection (b) shall be deposited in the lake and river enhancement fund established by IC 14-22-3.5-1.

(3) Thirty-three and three-tenths percent (33.3%) of the fees collected from STEP TWO of subsection (b) shall be deposited in the conservation officers marine enforcement fund established by IC 14-9-8-21.5.

(f) A fee collected under subsection (c) shall be distributed as follows:

(1) Five dollars (\$5) shall be deposited in the fish and wildlife fund established by IC 14-22-3-2 and shall be used exclusively for the following:

- (A) The enforcement of laws pertaining to watercraft.
- (B) The state's share of the cost of retirement benefits for conservation officers of the department of natural resources.
- (C) Improving the navigable waters of Indiana.

(2) The remaining amount shall be distributed as follows:

- (A) Sixty-six and seven-tenths percent (66.7%) to the lake and river enhancement fund established by IC 14-22-3.5-1.
- (B) Thirty-three and three-tenths percent (33.3%) to the conservation officers marine enforcement fund established by IC 14-9-8-21.5.

(g) The owner of a watercraft that is registered under this section is required to renew the registration under subsection (c), and the person must pay any applicable fees and excise tax under IC 6-6-11-13 on the watercraft each year.

Sec. 7. (a) A watercraft that is owned or leased and used for official business by the following is exempt from the payment of registration fees under this article:

- (1) A state or state agency (as defined in IC 6-1.1-1-18).
- (2) A municipal corporation (as defined in IC 36-1-2-10).
- (3) A volunteer fire department (as defined in IC 36-8-12-2).

(b) The bureau may issue proof of registration under this chapter for a watercraft owned by or leased by the federal government.

(c) The bureau may adopt rules under IC 4-22-2 to assign permanent registration numbers and accompanying registration cards to watercraft owned or leased by an entity listed in subsection (a)(1).

Sec. 8. (a) A watercraft becomes subject to registration under this chapter on the date the watercraft is acquired.

(b) Upon becoming subject to registration under this chapter, a watercraft must be registered for a period that is not:

- (1) less than three (3) months; or
- (2) greater than twenty-four (24) months.

(c) A registration under this article may be renewed:

- (1) for a watercraft with an unexpired registration, for a period of twelve (12) months from the date on which the registration will expire; or
- (2) for a watercraft with an expired registration, for a period of not:

- (A) less than three (3) months; or

(B) greater than twenty-four (24) months.

(d) Subject to subsection (b), and except as provided for in subsection (h), the registration year for a registration, other than a renewal described in subsection (c), begins on the date on which the watercraft becomes subject to registration as determined under subsection (a) and ends on the following date selected by the person registering the watercraft:

(1) The date on which the watercraft registration expires, as determined under the schedule established under IC 9-18.1-11-1.

(2) Twelve (12) months after the date described in subdivision (1).

(e) If a person sells or otherwise disposes of a watercraft:

(1) the certificate of registration and proof of registration for the watercraft are canceled; and

(2) except as provided in IC 9-33-3, the person is not entitled to a refund of any unused part of a fee paid by the person under this chapter.

(f) If the watercraft is transferred or sold, the person shall provide ownership documents at the time of delivering the watercraft.

(g) A person that acquires a watercraft that is registered under this chapter must apply to the bureau under this chapter to register the watercraft.

(h) A watercraft registered under this chapter remains subject to continuous registration under this chapter until:

(1) the watercraft is sold or otherwise disposed of; or

(2) the person that registered the watercraft becomes a nonresident.

Sec. 9. (a) If the date on which the registration of a watercraft expires is a day on which all license branches located in the county in which the watercraft is registered are closed, including:

(1) a Sunday; or

(2) a legal holiday listed in IC 1-1-9-1;

the registration expires at midnight on the date following the next day on which a license branch located in the county in which the watercraft is registered is open for business.

(b) Except as provided in subsection (a), a person that owns or operates a watercraft may not operate or permit the operation of a watercraft that:

(1) is required to be registered under this chapter; and

(2) has an expired registration.

(c) A person that operates or permits the operation of a watercraft in violation of subsection (b) commits a Class C infraction.

Sec. 10. (a) The bureau shall collect an administrative penalty of fifteen dollars (\$15) from the following:

(1) A person that fails to:

(A) register; or

(B) provide full payment for the registration of; a watercraft within forty-five (45) days after the date on which the watercraft becomes subject to registration.

(2) A person that fails to:

(A) renew; or

(B) provide full payment for the renewal of;

the registration of a watercraft by the date on which the registration expires.

(b) An administrative penalty collected under subsection (a) shall be deposited in the commission fund.

(c) A person described in subsection (a) commits a Class C infraction.

Sec. 11. (a) If a certificate of registration or decal issued for a watercraft that is registered under this chapter is lost, stolen, destroyed, or damaged, the owner of the watercraft may apply to the bureau for a replacement certificate of registration or decal. If the certificate of registration or decal is lost or stolen, the owner shall provide notice of the loss or theft to a law enforcement agency with jurisdiction over:

(1) the site of the loss or theft; or

(2) the address listed on the certificate of registration.

(b) The bureau shall issue a replacement certificate of registration or decal to the owner of a watercraft after the owner pays a fee of nine dollars and fifty cents (\$9.50).

(c) The fee imposed under subsection (b) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state construction fund.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) One dollar (\$1) to the crossroads 2000 fund.

(4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(5) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(6) Five dollars (\$5) to the commission fund.

(d) A replacement certificate of registration or decal issued under this section must be attached and displayed in the same manner as the original certificate of registration or decal.

Sec. 12. (a) A person that owns a watercraft that is registered under this chapter may apply to the bureau to change the ownership of the watercraft:

(1) by adding at least one (1) other person as a joint owner; or

(2) if the person is a joint owner of the watercraft, by transferring the person's ownership interest in the watercraft to at least one (1) remaining joint owner.

(b) The bureau shall issue an amended certificate of registration to a person that applies under subsection (a) after the person does the following:

(1) Complies with IC 9-17.

(2) Pays the fee of nine dollars and fifty cents (\$9.50).

(c) A person may apply to the bureau to amend any obsolete or incorrect information contained in the certificate of registration issued with respect to the watercraft. The bureau shall issue an amended certificate of registration after the person pays a fee of nine dollars and fifty cents (\$9.50).

(d) The bureau may not impose or collect a fee for a duplicate, amended, or replacement certificate of registration that is issued as a result of an error on the part of the bureau.

(e) A fee described in subsection (b)(2) or (c) shall be

distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state construction fund.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) One dollar (\$1) to the crossroads 2000 fund.
- (4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.
- (5) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (6) Five dollars (\$5) to the commission fund.

Sec. 13. (a) If an agency of the federal government has an overall system of identification numbering for watercraft within the United States, the registration and numbering system employed under this chapter by the bureau must conform with the system.

(b) In accordance with any request made by an authorized official or agency of the United States, the bureau shall transmit any information compiled or otherwise available to the bureau under:

- (1) IC 14-15-4-1;
- (2) IC 14-15-4-2; and
- (3) IC 14-15-4-3;

to the official or agency of the United States.

Sec. 14. Every law enforcement officer of this state and its subdivisions, including an enforcement officer of the department of natural resources, may enforce this chapter and may stop and board a watercraft subject to this chapter.

SECTION 39. IC 9-20-13-2, AS AMENDED BY P.L.12-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. (a) Notwithstanding IC 9-20-3 and IC 9-20-9, and except for length exclusive devices in accordance with 23 CFR 658.13, the following are the maximum limitations on length of a truck-tractor, semitrailer, truck-tractor-semi-trailer combination, or truck-tractor-semi-trailer-trailer combination:

- (1) The maximum length of the semitrailer unit operating in a truck-tractor-semi-trailer combination is fifty-three (53) feet, including the vehicle and the load.
- (2) The maximum length of the semitrailer unit or trailer operating in a truck-tractor-semi-trailer-trailer combination is twenty-eight (28) feet, six (6) inches.
- (3) A maximum overall length limit is not imposed on a truck-tractor-semi-trailer or truck-tractor-semi-trailer-trailer combination.
- (4) The maximum length of a maxi-cube vehicle combination is sixty-five (65) feet, and the maximum length of the separable cargo carrying unit is thirty-four (34) feet.
- (5) If the combination is used exclusively or primarily in connection with motorsports:
 - (A) the maximum distance between the kingpin and the rearmost axle of the semitrailer operating in the combination is forty-six (46) feet; and
 - (B) the maximum length of the semitrailer is fifty-seven (57) feet.

(b) This section does not prohibit the transportation of a motor vehicle or ~~boat~~ **watercraft** on part of a truck-tractor.

SECTION 40. IC 9-22-6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 0.5. For purposes of this chapter, the term "vehicle" does not include a watercraft.**

SECTION 41. IC 9-31 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. (WATERCRAFT TITLING AND REGISTRATION).

SECTION 42. IC 9-32-8-8, AS AMENDED BY HEA 1246-2020 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 8. (a) A watercraft dealer licensed by the secretary under this article may, upon successful application to the secretary, obtain dealer license plates and registration cards for use in the testing or demonstrating of ~~motorboats~~ **watercraft**.

(b) Two (2) dealer license plates must be displayed within a ~~motorboat~~ **watercraft** that is being tested or demonstrated while the ~~motorboat~~ **watercraft** is being tested or demonstrated.

(c) A transfer dealer or automobile auction company licensed by the secretary under this article may request dealer license plates under subsection (a).

(d) The fee to obtain a dealer license plate and registration card under subsection (a) is ten dollars (\$10).

(e) The secretary shall retain the fee collected under this section.

SECTION 43. IC 14-8-2-5.7, AS AMENDED BY P.L.219-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.7. "All-terrain vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

- (1) is ~~fifty (50)~~ **fifty-five (55)** inches or less in width **when measured from outside of tire rim to outside of tire rim;**
- (2) has a dry weight of ~~twelve one thousand five hundred (1,200)~~ **(1,500)** pounds or less;
- (3) is designed for travel on at least three (3) nonhighway or off-highway tires; and
- (4) is designed for recreational use by one (1) or more individuals.

The term includes parts, equipment, or attachments sold with the vehicle.

SECTION 44. IC 14-8-2-233.5, AS AMENDED BY P.L.219-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 233.5. "Recreational ~~off-road~~ **off-highway** vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

- (1) is ~~sixty-five (65)~~ **eighty (80)** inches or less in width **when measured from outside of tire rim to outside of tire rim;**
- (2) has a dry weight of two thousand ~~five hundred (2,000)~~ **(2,500)** pounds or less;
- (3) is designed for travel on at least four (4) nonhighway or off-highway tires; and
- (4) is designed for recreational use by one (1) or more individuals.

SECTION 45. IC 14-9-8-21.5, AS AMENDED BY P.L.178-2019, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 21.5. (a)

As used in this section, "fund" refers to the conservation officers marine enforcement fund established by this section.

(b) The conservation officers marine enforcement fund is established. The department shall administer the fund. The department may expend the money in the fund exclusively for marine enforcement efforts associated with recreational boating on Indiana waters, including uses described in IC 14-9-9-5.

(c) The fund consists of ~~boat watercraft~~ registration fees paid by boat owners and deposited under ~~IC 9-31-3-9~~. **IC 9-18.1-14.5-6.** Money deposited in the fund is annually appropriated and allotted to the department to carry out the purposes of this section. The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, the department may transfer from the fund to the counties with special boat patrol needs fund (IC 14-9-9-5) an amount that does not exceed twenty percent (20%) of money deposited into the fund.

SECTION 46. IC 14-10-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The commission shall adopt rules under IC 4-22-2 to carry out the commission's duties under this title.

(b) The commission may adopt rules to exempt an activity from licensing under this title, except:

- (1) IC 14-34;
- (2) IC 14-36-1; and
- (3) IC 14-38-2;

if the activity poses not more than a minimal potential for harm.

(c) Except as provided in subsection (d), whenever the department or the director has the authority to adopt rules under IC 4-22-2, the commission shall exclusively exercise the authority.

(d) Emergency rules adopted under section 5 of this chapter shall be adopted by the director.

(e) A person who violates a rule adopted by the commission commits a Class C infraction, unless otherwise specified under state law.

SECTION 47. IC 14-10-2-5, AS AMENDED BY P.L.154-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

- (1) IC 14-9.
- (2) This article.
- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-15.
- (7) IC 14-17-3.
- (8) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- (9) IC 14-19-1 and IC 14-19-8.
- (10) IC 14-21.
- (11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- (12) IC 14-23-1.
- (13) IC 14-24.
- (14) IC 14-25, except IC 14-25-8-3 and IC 14-25-13.
- (15) IC 14-26.
- (16) IC 14-27.

(17) IC 14-28.

(18) IC 14-29.

(19) IC 14-35-1, IC 14-35-2, and IC 14-35-3.

(20) IC 14-37.

(21) IC 14-38, except IC 14-38-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the publisher of the Indiana Register.

(c) A person who violates an emergency rule adopted by the department commits a Class C infraction, unless otherwise specified under state law.

SECTION 48. IC 14-15-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person may not operate a boat upon public water to carry passengers for hire unless the following conditions are met:

- (1) The department **or an organization approved under section 2.5 of this chapter** has inspected and registered the boat.
- (2) A certificate of inspection and registration issued by the department is affixed to the boat in a prominent place within the clear view of the passengers.

(b) A certificate of inspection and registration expires one (1) calendar year after the date on which the watercraft was inspected. However, the department may extend the expiration date for not more than thirty (30) days if conditions exist that would prevent the inspection of the watercraft before the first anniversary of the previous inspection.

SECTION 49. IC 14-15-6-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) Each boat that carries passengers upon public water for hire must have:**

- (1) a dry dock inspection; or**
- (2) an underwater survey;**

of the exterior portion of the boat that is below the waterline at least one (1) time every sixty (60) months. However, an underwater survey may only be used to satisfy the requirements of this chapter one (1) time every one hundred twenty (120) months.

(b) If the owner of the boat elects to have an underwater survey, the owner must hire and pay for the underwater survey, which must be conducted by an inspector from a certified organization that is approved under subsection (c).

(c) The commission shall maintain a list of certified organizations that are approved to conduct underwater surveys under this chapter.

SECTION 50. IC 14-15-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The department shall charge and collect a fee for the following:

- (1) Each annual dockside inspection.
- (2) Each dry dock inspection. ~~which shall be conducted at least one (1) time every sixty (60) months.~~

(b) The following fees shall be charged:

- (1) All watercraft, except sailboats, carrying not more than six (6) passengers for hire on navigable water of Indiana:
 - (A) Dockside inspection..... \$ 50
 - (B) Dry dock inspection..... \$ 75
- (2) All watercraft, except sailboats, carrying not more than

six (6) passengers for hire on inland water of Indiana:

(A) Dockside inspection..... \$ 30

(B) Dry dock inspection..... \$ 30

(3) All watercraft, except sailboats, carrying more than six

(6) passengers for hire on inland water of Indiana:

(A) Dockside inspection..... \$ 75

(B) Dry dock inspection..... \$100

(4) All watercraft propelled primarily by sail that carry passengers for hire on navigable or inland water of Indiana:

(A) Dockside inspection..... \$ 50

(B) Dry dock inspection..... \$ 75

SECTION 51. IC 14-15-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Each certificate of inspection and registration must certify that the inspection has been made and must set forth, among other things, the following:

(1) The date of inspection.

(2) A description of the boat, including motors, machinery and equipment.

(3) The age of the boat.

(4) The maximum weight, including both passengers and property, that may safely be carried on the boat.

(5) The method of the boat's inspection and the name of the person and organization that performed the inspection.

SECTION 52. IC 14-15-13-3, AS ADDED BY P.L.165-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. An individual may not do the following:

(1) Operate a motorboat inboard or have the inboard engine of a motorboat run idle while an individual is holding onto the swim platform, swim deck, swim step, swim ladder or any part of the exterior of the transom of a motorboat while the motorboat is underway at any speed.

(2) Operate a motorboat powered by an outboard motor or equipped with an outdrive unit while an individual is:

(A) holding onto the swim platform, swim deck, swim step, swim ladder or any portion of the exterior of the transom of a motorboat while the motorboat is underway at any speed; **or**

(B) swimming, or floating on or in the wake directly behind a motorboat that is underway. **or**

~~(C) floating on a board on or in the wake directly behind a motorboat that is underway using the wake itself as the means of propulsion.~~

(3) Operate a motorboat with the number of individual riders on a towed device that exceeds the listed capacity on the towed device or the owner's manual.

SECTION 53. IC 14-22-2-8, AS AMENDED BY P.L.39-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2019 (RETROACTIVE)]: Sec. 8. (a) This section applies to a hunting season beginning after June 30, 2016. ~~and ending before January 1, 2020.~~

(b) A hunter may use a rifle to hunt deer on privately owned land subject to the following:

(1) The use of a rifle is permitted during hunting seasons established by the department.

(2) The rifle must be chambered for a cartridge that fires a bullet that is two hundred forty-three thousandths (.243) of an inch in diameter or larger.

(3) The rifle must fire a cartridge that has a minimum case length of one and sixteen-hundredths (1.16) inches, but is no longer than three (3) inches.

(4) A hunter may not possess more than ten (10) cartridges for the rifle while hunting deer under this section.

(5) The rifle must meet any other requirements established by the department.

(c) The use of a full metal jacketed bullet to hunt deer is unlawful.

(d) The department shall report on the impact of the use of rifles to hunt deer under this section to the governor and, in an electronic format under IC 5-14-6, the general assembly before February 15, 2020.

(e) The department may adopt rules under IC 4-22-2 to authorize the use of rifles on public property.

~~(f) This section expires June 30, 2020.~~

SECTION 54. IC 14-22-3-5-4, AS ADDED BY P.L.178-2019, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. The fund consists of the revenue from ~~boat~~ **watercraft** registration fees paid by boat owners and deposited under ~~IC 9-31-3-9.~~ **IC 9-18.1-14.5-6.**

SECTION 55. IC 14-22-9-3, AS AMENDED BY P.L.39-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. A person may not use, set, cause to be used or set, take, or attempt to take fish by means of:

(1) a trotline;

(2) a set line;

(3) a throw line;

(4) a net;

(5) a trap; or

(6) a seine;

~~except legal minnow seines or dip nets;~~ within two hundred (200) yards of a dam that wholly or partly crosses a river, stream, or waterway in Indiana or the boundary water of the state, **except as authorized by rules adopted by the commission under IC 4-22-2.**

SECTION 56. IC 14-22-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) Each license and permit issued under this article is issued upon the express condition, to which the licensee or permittee by acceptance of the license or permit is considered to agree and consent, that the licensee or permittee will obey and comply with the following:

(1) All the terms, conditions, and rules:

(A) made by the director under this article; and

(B) incorporated in or attached to the license or permit when issued.

(2) This article.

(3) A wildlife law (as defined by IC 14-22-41-4(p)) while the licensee is in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(b) A license or permit may be revoked **or denied** by the

director at any time without refund for any of the following:

- (1) Failure to comply with or violation of the terms, conditions, rules, or restrictions incorporated in or attached to the license or permit when issued.
- (2) Violation of this article.
- (3) Violation of a wildlife law (as defined by IC 14-22-41-4(p)) ~~while occurring after October 31, 2000,~~ by the licensee ~~is or permittee~~ in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(c) If a person's license or permit is revoked or denied because of a violation described in subsection (b)(3), the person is entitled to a review of the revocation or denial by the commission. However, the commission may not review the merits of the underlying violation committed in another jurisdiction that prompted the revocation or denial under the wildlife violator compact (IC 14-22-41).

(d) A person whose license or permit has been revoked or denied by the director under this article may, by written request to the ~~director~~, commission, have a hearing on the revocation or denial of issuance. Upon receipt of written request for a hearing on the revocation, the ~~director~~ commission shall do the following:

- (1) Set a date for the hearing, which may not be more than fifteen (15) days from the date of receipt of the request.
- (2) Give the person requesting the hearing at least five (5) days notice of the date of the hearing, which shall be held in the office of the director.
- (3) Receive and keep a record of all evidence presented by the person.
- (4) After considering the evidence presented at the hearing, rescind or affirm the order revoking ~~or denying~~ the license or permit.

(e) Every court having jurisdiction of an offense committed in violation of an Indiana law for the protection of wildlife may, at the court's discretion, revoke the license of the offender for ~~any of the following periods:~~

- ~~(1) Thirty (30) days;~~
- ~~(2) Sixty (60) days;~~
- ~~(3) Ninety (90) days;~~
- (4) a minimum of one (1) year.**

(f) After a revocation, the court shall forward to the division a record of the conviction of the person in the court for a violation of the law. At the time of the conviction, the court shall do the following:

- (1) Obtain the license certificate of the defendant.
- (2) Return the license certificate to the division.

(g) Any denial or revocation of a permit or license under this section is subject to the terms of the wildlife violator compact (IC 14-22-41).

SECTION 57. IC 14-26-2.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 2.1. Ownership of Lake Michigan in Public Trust

Sec. 0.5. This chapter applies only to the recreational use of Lake Michigan.

Sec. 1. As used in this chapter, "Lake Michigan" means:

- (1) the waters of Lake Michigan;

- (2) the land under the waters of Lake Michigan; and
 - (3) the land adjoining the waters of Lake Michigan up to the ordinary high water mark;
- within the boundaries of Indiana.**

Sec. 2. As used in this chapter, "ordinary high water mark" means the line on the bank or shore of Lake Michigan that is:

- (1) established by the fluctuations of water; and
- (2) indicated by physical characteristics, including:
 - (A) a clear and natural line impressed on the shore;
 - (B) shelving;
 - (C) changes in character of soils;
 - (D) the destruction of terrestrial vegetation; and
 - (E) the presence of litter or debris.

Sec. 3. (a) Absent any authorized legislative conveyance before February 14, 2018, the state of Indiana owns all of Lake Michigan within the boundaries of Indiana in trust for the use and enjoyment of all citizens of Indiana.

(b) An owner of land that borders Lake Michigan does not have the exclusive right to use the water or land below the ordinary high water mark of Lake Michigan.

Sec. 4. (a) As used in this section, "natural scenic beauty" refers to conditions produced by nature without manmade additions or alterations.

(b) As used in this section, "recreational purpose" means any of the following:

- (1) Walking.
 - (2) Fishing.
 - (3) Boating.
 - (4) Swimming.
 - (5) Any other recreational purpose for which Lake Michigan is ordinarily used, as recognized by the commission for the purposes of this section.
- (c) The citizens of Indiana have a vested right to:**
- (1) enjoy the natural scenic beauty of Lake Michigan;
 - (2) enjoy and use the natural resources of Lake Michigan; and
 - (3) use Lake Michigan for recreational purposes.

(d) The citizens of Indiana have a vested right in the preservation and protection of Lake Michigan.

Sec. 5. (a) The commission may adopt rules under IC 4-22-2 to administer this chapter.

(b) In the adoption of a rule under subsection (a):

- (1) the public hearing held under IC 4-22-2-26 concerning the proposed rule; and
- (2) any additional public meeting concerning the proposed rule that is held by:
 - (A) the commission; or
 - (B) officers or employees of the department or any other individuals authorized under IC 4-22-2-15 to perform rulemaking actions other than the final adoption of the rule;

may be held only in a county that borders Lake Michigan.

SECTION 58. IC 14-28-1-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 19.5. For purposes of this chapter, property owners may jointly apply**

for a permit.

SECTION 59. IC 14-29-1-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. The department may adopt rules under IC 4-22-2 to identify the location of the ordinary high water mark on the land adjoining the waters of Lake Michigan for purposes of administering this chapter.**

SECTION 60. IC 34-28-6-1, AS AMENDED BY P.L.1-2010, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 1.** Whenever a person who is not a resident of Indiana:

(1) is arrested or stopped for a misdemeanor violation or infraction under:

- (A) ~~IC 9-31-3~~; **IC 9-18.1-14.5**;
- (B) IC 14-15-2 through IC 14-15-7;
- (C) IC 14-16-1; or
- (D) IC 14-22; and

(2) is not immediately taken to court;

the person may, at the discretion of the officer, be released upon the deposit of a security. The security shall be the amount of the fine or judgment and costs for the violation in the form of cash, money order, or a traveler's check made payable to the clerk of the court in which the person will appear.

SECTION 61. IC 34-30-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 19.5. Immunity of Owner of Property Adjacent to Lake Michigan

Sec. 1. As used in this chapter, "owner" means a person that:

- (1) has a fee interest in;
- (2) is a tenant, lessee, or occupant of; or
- (3) is otherwise legally in control of;

a private property that is adjacent to Lake Michigan.

Sec. 2. As used in this chapter, "private property" means a property whose owner is a person other than the state of Indiana.

Sec. 3. (a) The owner of a private property that is adjacent to Lake Michigan does not assume responsibility or incur liability for an injury to an individual or damage to property that:

(1) occurs after June 30, 2020, when an individual is crossing the private property:

- (A) to enter; or
- (B) upon leaving;

the area of the beach of Lake Michigan that the public has a vested right to use for recreational purposes; and

(2) is caused by:

- (A) an act or omission of a person other than the owner;
- (B) an act or omission of the owner, except for an act of the owner constituting intentional misconduct; or
- (C) the condition of the property.

(b) This section does not affect the following:

(1) Existing Indiana case law on the liability of property owners with respect to:

- (A) business invitees in commercial establishments;
- or

(B) invited guests.

(2) The attractive nuisance doctrine.

SECTION 62. IC 35-52-6-45 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 45. IC 6-6-11-27 defines a crime concerning taxes.~~

SECTION 63. IC 35-52-9-7.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 7.6. IC 9-18.1-14.5-5 defines a crime concerning proof of registration of a watercraft.**

SECTION 64. IC 36-1-29 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 29. Seawall and Revetment Permits

Sec. 1. This chapter applies only in a county that is located along the shore of Lake Michigan.

Sec. 2. This chapter does not:

- (1) affect the determination of the location of the ordinary high water mark; or
- (2) interfere with or supersede state law, state administrative rules, or local ordinances concerning the issuance of permits for seawalls or revetments.

Sec. 3. As used in this chapter, "emergency" means a situation that:

- (1) requires immediate action;
- (2) is induced by weather or high lake levels; and
- (3) either:
 - (A) creates the potential for imminent structural damage to private property in an area adjacent to Lake Michigan; or
 - (B) threatens or creates an imminent risk to the public health, welfare, or safety in areas adjacent to Lake Michigan.

Sec. 4. As used in this chapter, "local governmental agency" has the meaning set forth in IC 36-7-4-1109(a).

Sec. 5. As used in this chapter, "ordinary high water mark" has the meaning set forth in IC 14-26-2.1-2.

Sec. 6. As used in this chapter, "owner" means a person that has a fee interest in a private property adjacent to and landward of Lake Michigan.

Sec. 7. As used in this chapter, "permit" has the meaning set forth in IC 36-7-4-1109(b).

Sec. 8. As used in this chapter, "private property" means real property that is not owned or leased by the state or a political subdivision.

Sec. 9. As used in this chapter, "real property" includes any improvements to real property.

Sec. 10. (a) An owner of private property who is subject to the jurisdiction of a local governmental agency in a county subject to this chapter may:

- (1) subject to applicable state laws and administrative rules, local ordinances, and section 11 of this chapter, in the case of an emergency, repair an existing seawall or revetment on the owner's private property; or
- (2) subject to applicable state laws and administrative rules, local ordinances, and section 12 of this chapter, in the case of an emergency, construct a new seawall or revetment on the owner's private property;

whichever applies.

(b) For the purposes of this chapter, side seawalls on Lake Michigan are temporary structures and must be at least eighteen (18) inches from the private property line.

Sec. 11. In accordance with applicable state laws, state administrative rules, and local ordinances, the repair of an existing seawall or revetment may include placing seawalls or revetments into the waters of Lake Michigan where the water is already coming into contact with those seawalls or revetments as long as the seawall or revetment repair is as close to the existing seawall or revetment as reasonably possible.

Sec. 12. In accordance with applicable state laws, state administrative rules, and local ordinances, the owner of private property may construct a new seawall or revetment on the private property in a location in which the new seawall or revetment can reasonably be expected to provide protection to the property.

Sec. 13. A seawall may be contiguous to another seawall if making one (1) or more seawalls contiguous does not interfere, obstruct, or otherwise inhibit the public's ability to use a public access point or easement that provides access to the shore of Lake Michigan and all parts of the seawall are on private property.

Sec. 14. Not later than ten (10) business days after a person submits a completed application for an emergency seawall or revetment permit and meets all required conditions, a local governmental agency shall:

- (1) approve; or
- (2) deny;

the person's application for the emergency permit. If a local governmental agency does not approve or deny the emergency seawall or revetment permit within ten (10) business days, the emergency permit is automatically approved and considered issued to the person.

Sec. 15. If a local governmental agency denies the emergency seawall or revetment permit, the local governmental agency shall provide the reasons for the denial in a single response to the person. A person may submit not more than one (1) completed reapplication for an emergency seawall or revetment permit that lists reasons why the local governmental agency should approve the person's emergency permit. Not later than ten (10) business days after the person submits the completed reapplication, a local governmental agency shall:

- (1) approve; or
- (2) deny;

the person's reapplication for the emergency permit. If a local governmental agency does not approve or deny the person's reapplication for the emergency seawall or revetment permit within ten (10) business days, the emergency permit is automatically approved and considered issued to the person.

Sec. 16. This section applies to an application for a seawall or revetment permit that is not an emergency permit. Not later than thirty (30) business days after a person submits a completed application and meets all required conditions for a seawall or revetment permit, a local governmental agency

shall:

- (1) approve; or
- (2) deny;

the person's application for the permit.

SECTION 65. IC 36-7-4-1103, AS AMENDED BY P.L.119-2012, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1103. (a) This section does not apply to a plan commission exercising jurisdiction in a county having a population of more than twenty thousand nine hundred (20,900) but less than twenty-one thousand (21,000).

(b) (a) ADVISORY—AREA. For purposes of this section, urban areas include all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

(c) (b) ADVISORY—AREA. This chapter does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them.

SECTION 66. An emergency is declared for this act.

(Reference is to EHB 1385 as printed February 25, 2020.)

Eberhart, Chair	Glick
Pfaff	Tallian
House Conferees	Senate Conferees

Roll Call 371: yeas 36, nays 13. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1419-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1419 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-27-3, AS AMENDED BY P.L.143-2019, SECTION 2, AND AS AMENDED BY P.L.237-2019, SECTION 1, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The governor's workforce cabinet is established under the applicable state and federal programs to do the following:

- (1) Review the services and use of funds and resources under applicable state and federal programs and advise the governor, *general assembly, commission for higher education, and state board of education* on methods of coordinating the services and use of funds and resources

consistent with the laws and regulations governing the particular applicable state and federal programs.

(2) Advise the governor, *general assembly, commission for higher education, and state board of education* on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures; concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and recommend to the governor, *general assembly, commission for higher education, and state board of education* goals to meet the investment needs.

(5) Recommend to the governor, *general assembly, commission for higher education, and state board of education* goals for the development and coordination of the talent development system in Indiana.

(6) Prepare and recommend to the governor, *general assembly, commission for higher education, and state board of education* a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor and direct the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor, *general assembly, commission for higher education, and state board of education* on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.

(9) Review and approve regional workforce development board plans, and work with regional workforce development boards to determine appropriate metrics for workforce programming at the state and local levels.

(10) Design for implementation a comprehensive career navigation and coaching system as described in section 11 of this chapter.

(11) Conduct a systematic and comprehensive review, analysis, and evaluation of workforce funding described in section 12 of this chapter.

(12) Conduct a systematic and comprehensive review, analysis, and evaluation of the college and career funding described in section 13 of this chapter.

(13) Based on the reviews in sections 12 and 13 of this chapter, direct the appropriate state agencies to implement administrative changes to the delivery of these programs that align with Indiana's workforce goals, and make recommendations to:

(A) the governor;

(B) the *commission for higher education*;

(C) the *state board of education*; and

(D) the ~~legislative council~~ *general assembly* in an ~~in~~ electronic format under IC 5-14-6;

on possible legislative changes in the future.

(14) Study the advisability of establishing one (1) or

more real world career readiness programs as described in section 14 of this chapter and report to:

(A) the governor;

(B) the *commission for higher education*;

(C) the *state board of education*; and

(D) the ~~legislative council~~ *general assembly* in an electronic format under IC 5-14-6;

concerning the results of the study.

(15) Conduct a systematic and comprehensive review, analysis, and evaluation of whether:

(A) Indiana's primary, secondary, and postsecondary education systems are aligned with employer needs; and

(B) Indiana's students and workforce are prepared for success in the twenty-first century economy.

(16) Create a comprehensive strategic plan to ensure alignment between Indiana's primary, secondary, and postsecondary education systems with Indiana's workforce training programs and employer needs.

~~(15)~~ (17) Administer the workforce diploma reimbursement program established by IC 22-4.1-27-7.

(18) Work with stakeholders from early learning to the workforce to establish alignment and coordination between the early learning advisory committee (established by IC 12-17.2-3.8-5), state board of education, commission for higher education, and department of workforce development.

~~(17)~~ ~~(16)~~ ~~(18)~~ (19) Carry out other policy duties and tasks as assigned by the governor.

SECTION 2. IC 4-3-27-5, AS AMENDED BY SEA 272-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The membership of the governor's workforce cabinet established under section 3 of this chapter consists of at least ~~twenty-three~~ **(23) thirty-one (31)** members as follows:

(1) A chairperson appointed by the governor.

(2) The secretary of career connections and talent, **serving as a nonvoting member.**

(3) The commissioner of the department of workforce development.

(4) The secretary of commerce or the secretary of commerce's designee, **serving as a nonvoting member.**

(5) The commissioner of the Indiana commission for higher education.

(6) The superintendent of public instruction.

(7) The president of Ivy Tech Community College.

(8) The president of Vincennes University.

(9) One (1) member representing a research university appointed by the governor.

(10) One (1) member representing a comprehensive university or an independent college appointed by the governor.

~~(9)~~ (11) A member appointed by the governor who is an apprenticeship coordinator of a joint labor-management apprenticeship program approved by the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship.

~~(10)~~ (12) A member representing high school career and

technical education **educators or** directors appointed by the governor in consultation with the Indiana Association of Career and Technical Education Districts.

~~(11)~~ **(13) Either:**

(A) a member representing manufacturing appointed by the governor in consultation with the Indiana Manufacturers Association; **or**

(B) an employee of the Indiana Manufacturers Association appointed by the governor.

~~(12)~~ **(14)** A member representing a minority business enterprise appointed by the governor.

~~(13)~~ **(15)** A member representing a women's business enterprise appointed by the governor.

~~(14)~~ **(16)** A member representing a veteran owned business appointed by the governor.

~~(15)~~ **(17)** A member representing the nonunion and construction trades appointed by the governor in consultation with the Associated Builders and Contractors, Inc., and the Indiana Builders Association.

~~(16)~~ **(18) Either:**

(A) a business owner appointed by the governor in consultation with the Indiana Chamber of Commerce; **or**

(B) an employee of the Indiana Chamber of Commerce appointed by the governor.

~~(17)~~ **(19)** A small business owner appointed by the governor in consultation with the National Federation of Independent Businesses.

~~(18)~~ **(20)** A member of a community-based organization appointed by the governor.

~~(19)~~ **(21)** Three (3) at-large business owners appointed by the governor, one (1) of whom is a business owner who employs less than fifty (50) employees. **One (1) member appointed under this subdivision shall be from an organization representing technology.**

(22) A school principal, appointed by the governor.

(23) A school superintendent, appointed by the governor.

(24) The commissioner of the department of correction, serving as a nonvoting member.

(25) The secretary of family and social services, serving as a nonvoting member.

~~(20)~~ **(26)** A member of the house of representatives appointed by the speaker of the house of representatives who serves as a nonvoting member.

~~(21)~~ **(27)** A member of the senate appointed by the president pro tempore of the senate who serves as a nonvoting member.

~~(22)~~ **(28)** Any additional members designated and appointed by the governor.

(b) The members appointed under subsection ~~(a)(11)~~ **(a)(13)** through ~~(a)(19)~~ **(a)(21)** must be geographically diverse.

SECTION 3. IC 4-3-27-6, AS AMENDED BY P.L.143-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Members shall be appointed to the cabinet for two (2) year

terms. The terms must be staggered so that the terms of half of the members expire each year. **The governor must rotate appointments described in section 5(a)(9) and 5(a)(10) of this chapter so that the same research university, comprehensive university, or independent college is not represented on the cabinet for two (2) consecutive terms.**

(b) For members appointed by the governor, the governor shall promptly make an appointment to fill any vacancy on the cabinet, but only for the duration of the unexpired term.

(Reference is to EHB 1419 as printed February 28, 2020.)

Behning, Chair	Raatz
Porter	J.D. Ford
House Conferees	Senate Conferees

Roll Call 372: yeas 39, nays 10. Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1003:
Conferees: Senator Kruse to replace Senator Melton

BRAY

Date: 3/10/20

Time: 10:22 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1131:
Remove: Senator Garten as advisor
Conferees: Senator Garten to replace Senator J.D. Ford

BRAY

Date: 3/10/20

Time: 9:46 p.m.

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 11:00 a.m., Wednesday, March 11, 2020.

BRAY

Motion prevailed.

The Senate adjourned at 10:53 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUZANNE CROUCH
President of the Senate